



3 1761 11765804 7













Digitized by the Internet Archive  
in 2022 with funding from  
University of Toronto

<https://archive.org/details/31761117658047>



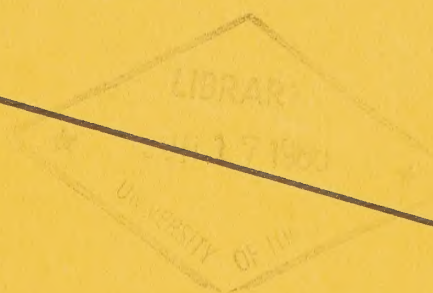


CAI  
L71  
- L26

4  
17

# LEGISLATIVE REVIEW

NUMBER 9  
MAY 31, 1977



2  
1 Dept. of  
Labour  
Canada

Travail  
Canada

31 Legislative Branch Branch





# LEGISLATIVE REVIEW

**NUMBER 9  
MAY 31, 1977**



Labour Canada  
Legislative Analysis

Hon. John Munro, Minister  
T.M. Eberlee, Deputy Minister





## Foreword

The Legislative Review is a semi-annual report which describes pertinent labour legislation enacted by the federal, provincial and territorial governments.

Issue No. 9 covers the period from January 1, 1977 to May 31, 1977. It sets out enactments in the fields of apprenticeship and tradesmen's qualifications, employment standards, human rights, industrial relations, occupational safety and health and workers' compensation.

The present issue is co-authored by Nicole Marchand, Michel Gauvin, Bill Langford, Cal McKerral and Allan Nodwell.

The coordination of the material contained in this publication was the responsibility of Michel Gauvin.

R.W. Crowley,  
Director-General,  
Central Analytical  
Services Branch,  
Labour Canada.

J.P. Whitridge,  
Director,  
Library and Information  
Services Directorate,  
Labour Canada.

(Cette publication est également disponible en français)





## LEGISLATIVE REVIEW

January 1, 1977 - May 31, 1977\*

	<u>Page</u>
I Apprenticeship and Tradesmen's Qualifications	1
II Employment Standards	2
III Human Rights	7
IV Industrial Relations	11
A General	11
B Construction	14
V Occupational Safety and Health	16
VI Workers' Compensation	24
Disposition of Bills	27
Index of Bills - January 1, 1977 - May 31, 1977	28

---

\*Bills and regulations not received in time for the printer's deadline will be included in the next issue.

<u>Contents</u>	<u>Paragraphs</u>
I Apprenticeship and Tradesmen's Qualifications	1 - 4
Manitoba	1 - 2
British Columbia	3 - 4
II Employment Standards	5 - 27
Hours of Rest	5 - 10
Hours of Work	11 - 17
Paid Holidays	18 - 20
Minimum Wages	21 - 27
III Human Rights	28 - 64
Nova Scotia	28 - 59
- Statutory Provisions Pertaining to Women	28 - 29
- Human Rights Act - Boards of Inquiry	30 - 36
- Access to Government Information	37 - 45
- Advisory Council on the Status of Women	46 - 54
- Rights of Blind Persons	55 - 59
Manitoba	60 - 62
- Rights of Physically Handicapped Persons	60 - 62
Canada	63 - 64
- Canadian Human Rights Act	63 - 64
IV Industrial Relations	65 - 95
A. General	65 - 84
Canada	65 - 71
Intervening Documents	67 - 69
Evidence of Membership	70
Evidence of Membership	71
Nova Scotia	72 - 81
Application for Certification	73 - 81
Saskatchewan	82 - 84
Rights of Parties After Expiry of Collective Bargaining Agreement	83 - 84
B. Construction	85 - 95
Ontario	85 - 95

<u>Contents</u>	<u>Paragraphs</u>
V Occupational Safety and Health	96 - 147
Introduction	96
General Safety and Health	97 - 137
Saskatchewan	97 - 123
General Duties	98 - 101
Occupational Health and Safety Division	102 - 103
Occupational Health and Safety Council	104
Notices of Contravention	105 - 110
Obtaining of Information	111
Occupational Health Committees	112
Right of Worker to Refuse Dangerous Acts	113 - 118
Power to Require Alternative Work	119
Offences and Penalties	120 - 123
New Brunswick	124 - 137
Inspection of Places of Employment	125 - 126
General Safety Practices	127 - 128
Safety Committees	129
Training Before Commencing Work	130
Ventilation	131
Industrial Noise	132 - 135
Radiation	136
Camps and Facilities	137
Mining	138
Québec	138
Radiological Technicians	139
Alberta	139
Boilers and Pressure Vessels	140
Saskatchewan	140
Electrical Protection	141
Yukon Territory	141
Building Safety	142 - 145
Alberta	142
Nova Scotia	143 - 145
Fire Code	146 - 147
Manitoba	146 - 147
VI Workers' Compensation	148 - 167
Introduction	148
Coverage	149 - 151
Alberta	149 - 150
British Columbia	151
Benefits to Dependents	152 - 154
Saskatchewan	152 - 154
Disability Benefits	155 - 160
Saskatchewan	155 - 160
Compensable Diseases	161 - 167
Manitoba	161 - 165
British Columbia	166 - 167





## I. APPRENTICESHIP AND TRADESMEN'S QUALIFICATIONS

1. The Manitoba legislature gave second reading to - An Act to Amend the Apprenticeship and Tradesmen's Qualification Act.
2. The Act would amend the definition of "agreement" to include, besides an agreement of apprenticeship in a designated trade, a pool agreement of apprenticeship executed by an apprenticeship training co-ordinator or representative of an organization, committee, or association and approved by the director.
3. British Columbia added "embalming" to the list of trades designated under the Apprenticeship and Tradesmen's Qualification Act.
4. "Embalming" means the chemical and cosmetic preparation of a dead human body.

## II. EMPLOYMENT STANDARDS

### Hours of Rest

5. Safe manning regulations were issued under the Canada Shipping Act. On every ship under federal jurisdiction, other than a fishing vessel:
  - (a) the complement shall be sufficient and;
  - (b) a watchkeeping system or work system shall be established to ensure that the master and every other person shall have a rest period of not less than 6 consecutive hours in every calendar day he is employed on that ship.
6. In the case of a ship on which three or more watches are established, the persons in one of these watches may have the 6 hour period of rest overlapping one calendar day and the next.
7. Not more than 18 hours and not less than 6 hours shall elapse between the end of a rest period and the beginning of the next rest period.
8. Every person shall have at least 16 hours of rest in the aggregate in every 2 consecutive calendar days he is employed on a ship.
9. Where a person employed on a ship for the purpose of attending to the safe operation of the ship was, immediately prior to that employment, employed by the same employers, in any capacity on a ship or on shore, the last calendar day of such prior employment shall be counted as employment on that ship.
10. Where any person is, during his rest period, required to attend to a specific emergency or an emergency drill, any time so spent shall, for the purpose of these regulations, be considered as part of his rest period.

### Hours of Work

11. Effective February 1, 1977, Alberta's Board of Industrial Relations Order No. 46 (1976) Governing Hours of Work and Minimum Wages for Overtime of Persons Engaged in Oil Well Servicing set maximum hours at 12 in a day and 191 in a month. Overtime will be paid at one and one-half times the ordinary rate for each hour in excess of these figures. Where an employee works less than 191 hours in his first or last month, he shall be paid overtime for each hour in excess of 12 hours in a day or 44 hours in a week.
12. The hours of rest are established as follows:
  - (a) 24 consecutive hours in each 7 day period
  - (b) 48 consecutive hours in each 14 day period
  - (c) 72 consecutive hours in each 21 day period
  - (d) 96 consecutive hours in each 28 day period.

13. Order No. 42 (1976) Governing Hours of Work and Minimum Wages for Overtime of Persons Engaged in Field Catering, Geophysical Exploration, Land Surveying or Logging and Lumbering applies to any employee in one of these undertakings taking place not less than 10 miles from any city, town or village having a population of 1,000 or more individuals or within any town or village of less than 1,000.
14. Maximum hours shall not exceed 10 in a day or 191 in a month. Overtime rates at one and one-half times the ordinary wage must be paid for hours in excess of the above. Where an employee in the first or last month that he was employed by his employer worked less than 191 hours, the employee shall be paid at the overtime rate for hours worked in excess of 10 hours in a day or 44 hours in each consecutive period of 7 days.
15. Rest periods are the same as for employees in oil well servicing.
16. Order No. 53 (1976) Governing Hours of Work and Minimum Wages of Salespersons Engaged in Specified Occupations sets the minimum wage payable at \$120.00 per week. An employee or employer is exempt from the payroll records and maximum hours provisions of the Alberta Labour Act.
17. The wages paid may be so adjusted that the employer shall be paid not less than the minimum wage provided that the period of adjustment shall not be more than one month.

#### Paid Holidays

18. In Québec, Ordinance No. 15, 1977 (paid legal holiday) establishes the 24th day of June as a paid legal holiday. When it falls on a Saturday, the paid legal holiday shall be the preceding Friday, and when it falls on a Sunday, it is deferred to the Monday following.
19. The Ordinance governs the employees to whom the Minimum Wage Act applies and their employers in all types of labour, industry, business, service, trading or affairs of any kind whatsoever. It does not apply to the spouse of the employee or to his children.
20. The 24th day of June, or the day in lieu thereof, is a paid legal holiday for all employees governed. Any work carried out on that day is paid at double time. The employee must be present on the preceding working day and on the one following to benefit therefrom unless he is absent with the employer's consent.

#### Minimum Wages

21. Alberta raised its minimum wage, effective March 1, 1977 to \$3.00 per hour for an employee over 18 years, \$2.85 for an employee under 18 years and to \$2.50 for students under 18 years of age employed part-time. Allowable deductions are \$1.00 for a single meal and \$1.25 per day for lodging.

22. In Manitoba, effective May 1, 1977, the wages for employees engaged in the Heavy Construction Industry will vary between \$3.15 per hour for flaggers and watchers and \$6.30 per hour for crane operators.
23. In addition, effective May 1, 1977, the wages for employees in the Construction Industry Outside Greater Winnipeg and not on Major Building Projects will vary between \$3.25 per hour for students to \$9.60 per hour for plumbers and steamfitters. Hours of work vary between 40 and 44 hours.
24. In Ontario, the schedule in the Men's and Boys' Clothing Industry was amended effective April 12, 1977 and will vary between \$2.65 per hour and \$4.02 per hour depending upon classification and locality. In order to qualify for year-end holiday pay, an employee shall work or be available for work on the two regular working days next preceding Christmas Day and on the two regular working days next following New Year's Day.
25. Prince Edward Island amended the minimum wages to provide \$2.70 per hour for employees 18 years and over and \$2.35 per hour for employees under 18 years. Allowable deductions are as follows:

Board and Lodging	\$20.00 per week
Board only	\$14.00 per week
Lodging only	\$ 6.00 per week
Single meals	\$ 1.00 per meal.

26. Effective July 1, 1977, Québec raised the minimum wage to \$3.15 per hour for employees over 18 years and \$2.95 for employees under 18 years.
27. General Hourly Minimum Wage Rates for Adult and Young Worker (as of May 31, 1977).

1. Federal

Effective April 1, 1976

Employees 17 and over	\$2.90
Employees under 17	\$2.65

2. Alberta

Effective March 1, 1976

Employees 18 and over	\$2.75
Employees under 18	\$2.60
Students under 18 employed on a part-time basis	\$2.25

Effective March 1, 1977

Employees 18 and over	\$3.00
Employees under 18	\$2.85
Students under 18 employed on a part-time basis	\$2.50



3. British Columbia

Effective June 1, 1976

Employees 18 and over	\$3.00
Employees 17 and under	\$2.60

4. Manitoba

Effective September 1, 1976

Employees 18 and over	\$2.95
Employees under 18	\$2.70

5. New Brunswick

Effective November 1, 1976

General Rates	\$2.80
---------------	--------

6. Newfoundland

Effective January 1, 1976

Employees over 16	\$2.50
-------------------	--------

7. Nova Scotia

Effective January 1, 1977

Employees 18 and over	\$2.75
Underage employees 14-18	\$2.50
Inexperienced employees	\$2.50

8. Ontario

Effective March 15, 1976

General rates	\$2.65
Learners (1st month of employment)	\$2.55
Students under 18, employed less than 28 hours per week or during a school holiday	\$2.15

9. Prince Edward Island

Effective July 1, 1976

Employees 18 and over	\$2.50
Employees under 18	\$2.20

Effective July 1, 1977

Employees 18 and over	\$2.70
Employees under 18	\$2.35

10. Québec

Effective January 1, 1977

Employees 18 and over	\$3.00
Employees under 18	\$2.80

Effective July 1, 1977

Employees 18 and over	\$3.15
Employees under 18	\$2.95

11. Saskatchewan

Effective January 1, 1977

General rates	\$3.00
---------------	--------

12. Northwest Territories

Effective June 7, 1976

Employees 17 and over	\$3.00
Employees under 17	\$2.55

13. Yukon Territory

Effective April 1, 1976

General rates	\$3.00
---------------	--------

### III. HUMAN RIGHTS

28. In Nova Scotia the legislature passed An Act to Amend the Statute Law Respecting Women.
29. Statutes affected by the Act include:
  - The Civil Service Act - the right to appointment to the civil service and to write civil service exams without regard to race, religion, creed, colour, ethnic or national origin, sex, marital status, age or physical handicap;
  - The Human Rights Act - prohibition of discrimination on the grounds of marital status by employment agencies, employee's organizations, professional and business and trade associations and voluntary or public service organizations;  
  
prohibition of discrimination on the ground of marital status in employment, conditions of employment, and application forms and advertising for employment;
  - Labour Standards Code - removal of the authority of the minimum wage board to determine minimum wages on the basis of sex of the employee;
  - Consumer Protection Act - prohibition of a lender or seller from discriminating against a borrower or buyer solely because the borrower or buyer is a woman;
  - Guardianship Act - the right of the courts to now appoint either the father or the mother to be the guardian of the estate of an infant;
  - Education Act - redefinition of the term "parent" to eliminate the preferential position of the father over the mother;
  - Police Act - deletion of the words "man" and "men" and substitution of the word "member" when referring to members of police forces.
30. Another bill which was passed was An Act to Amend Chapter 11 of the Acts of 1969, the Human Rights Act.
31. The requirement for a Minister to provide "terms of reference" to a board of inquiry is eliminated. Now, the Minister must provide a board with a true copy of a complaint.



32. A list of parties to a proceeding before a board of inquiry is now provided in the Act (i.e., the Commission, the complainant, any person named in the complaint as having been dealt with contrary to the provisions of the Human Rights Act, any person named in the complaint and alleged to have contravened the Act, any other person specified by the board upon such notice as the board may determine and after the person has been given an opportunity to be heard against joinder as a party).
33. Detailed procedure to be followed by a board of inquiry is included in the amendments. A board of inquiry has the power to order any party who has contravened the Act to comply with it, rectify any injury, or pay compensation. Under the former provisions a board of inquiry reported recommendations to the Human Rights Commission which in turn made recommendations to the Minister.
34. Confidentiality of information is provided to the Commission or its Director or employees. These persons are not required to provide Commission records or evidence to any board of inquiry or any court.
35. A right of appeal lies from a board of inquiry to the Appeal Division of the Supreme Court. This appeal is conducted on the basis of the record of proceedings before the board of inquiry.
36. The provision permitting the Minister to issue an order is repealed, since this is now done by a board of inquiry.
37. May 19, 1977 the Government of Nova Scotia passed An Act Respecting Access by the Public to Information on File with the Government.
38. The bill details the types of information which will be accessible to the public. These include organization of government departments, administrative and staff manuals, general policy and applicability of policy, rules of procedure, final decisions of administrative tribunals, personal information contained in files pertaining to the person making the request for information, departmental annual reports and regulations and programs and policies of a department.
39. Certain types of information will not be accessible to the public. These include information which might; reveal personal information concerning another person, result in financial gain or loss to a person or department, influence negotiations in progress leading to an agreement or contract, jeopardize the ability of a department to function on a competitive basis, be injurious to relations with another government, be likely to disclose information obtained or prepared during the conduct of an investigation concerning alleged violations of any enactment or the administration of justice, be detrimental to the proper custody, control or supervision of persons under sentence, disclose legal opinions or advice provided to a department by a law officer of the Crown, or privileged communications between barrister and client in a matter of departmental business, disclose opinions or recommendations by public servants in matters for decision by a Minister or the Executive Council, or disclose draft legislation or regulations, disclose information the confidentiality of which is protected by an enactment.

40. A person may request that personal information pertaining to him or her be corrected and amended, or that information contained in the file may not be used for certain purposes without the person's consent. Injunctive relief may be sought to amend or correct personal information on a file maintained by a department.
41. Provision is made for guarding the confidentiality of personal information held by the government, and for the availability of information about one's self.
42. Rules are set out for the making available of information requested by the public. Requests must be responded to within 15 days.
43. Denials of information may be appealed to the Minister. There is a 15-day time limit for filing an appeal, and a 30-day limit for a ministerial response.
44. A Ministerial confirmation of denial may be further appealed to the Assembly through a member making a motion in the House.
45. The House would then deal with the motion according to its Rules and Forms of Procedure.
46. Bill 146, An Act to Establish and Advisory Council on the Status of Women, was passed.
47. The Act establishes an Advisory Council on the Status of Women.
48. No particular number of members is specified.
49. Terms of office are:
  - (a) for the President and at least one-half of the members - not more than three years
  - (b) for remainder - not more than two years.
50. Appointment to the council are to be made by the Governor in Council on the recommendation of the Minister responsible for the Act.
51. The Council will advise the Minister upon such matters relating to the status of women as are referred to it for consideration by the Minister, and will bring to the attention of the Minister matters of interest and concern to women.
52. To achieve these ends, the Council may receive and hear petitions, undertake and recommend research, recommend and participate in programs, propose legislation, policies and practices, and publish reports, studies and recommendations.

53. Provision is made for an Executive Director of the Council, to keep records, provide stenographic and other services, supervise research projects, etc.
54. The Council is obligated to make an annual report of its activities to the Minister.
55. An Act Respecting Certain Rights of Blind Persons was passed May 11, 1977.
56. The Act makes it an offence for anyone to discriminate against a blind person accompanied by a guide dog, in the provision of accommodation, services or facilities available to the public, or in the provision of occupancy in any self-contained dwelling unit.
57. The Act also prohibits the carrying of a cane or walking stick the major part of which is white, in any public place, public thoroughfare or public conveyance, by anyone other than a blind person.
58. It is an offence for anyone to purport to be a blind person for the purpose of obtaining or attempting to obtain the benefit of the Act.
59. The Act repeals the White Cane Act.
60. Manitoba gave first reading to Bill 59, An Act to amend The Human Rights Act.
61. The bill would add "physical handicap" to the existing grounds upon which discrimination is prohibited.
62. Advertising, provision of services, accommodations and facilities, purchase of property, contracts ordinarily available to the public, and employment and employment-related areas would be subject to the new provisions.
63. On June 2, 1977 the Federal House of Commons gave third reading to Bill C-25, the Canadian Human Rights Act. Several amendments were made to the second reading form of the bill by the Standing Committee on Justice and Legal Affairs.
64. The final version of the Act will be reported in detail in the next issue of the Legislative Review.



#### IV. INDUSTRIAL RELATIONS

##### A. General

65. The Canada Labour Relations Board has issued amendments to its regulations in regard to applications submitted to the Board under Part V of the Canada Labour Code.
66. The changes, which became effective March 14, 1977, affect three areas of the Canada Labour Relations Board Regulations as follows:

##### Intervening

67. A person desiring to intervene in an application to the Board shall file with the Board a reply to the application not later than ten days after receiving notice of the application (was "within ten days after the receipt by him of a copy of the application").
68. A person is deemed to have received such notice as of the first day the notice of an application is posted.
69. As before, a person failing to comply with this procedure is not permitted to make representation to the Board without its consent and the Board may dispose of the application without notice.

##### Documents

70. An additional subsection lays down that the date of the filing of a document with the Board is the date it is mailed to the Board if sent by registered mail or, in any other case, the date it is received by the Board.

##### Evidence of Membership

71. Evidence that an employee is a member of a trade union on the date of filing of an application is evidence that the employee wishes the trade union to represent him as his bargaining agent and the Board may refuse to entertain any evidence to the contrary unless it is filed within 10 days after notice of the application.
72. Amendments to the Trade Union Act set out the Nova Scotia Labour Relations Board revised procedures in dealing with applications for certification.

##### Application for Certification

73. A vote of the employees concerned will be taken by the Labour Relations Board at the place of employment during working hours no more than five working days after it receives the application from the trade union and three working days after the Board's notices are received by the employer, subject to delay if the Board decides to make investigations or hold a hearing.

74. As before, the Board determines whether the unit applied for is appropriate for collective bargaining and may, before certification, include additional employees or exclude employees from the unit.
75. Where a vote is counted, the Board will remove and destroy without counting the ballots cast by persons not in the bargaining unit determined to be appropriate.
76. As before, when the Board has determined that a unit of employees is appropriate for collective bargaining, if the Board is satisfied that a the date of filing application for certification the applicant union has less than forty percent of the employees members in good standing, the Board dismisses the application.
77. The Board will now take and count a vote where forty percent or more of employees in the unit are union members in good standing. Previously the vote was taken where not less than forty percent and not more than sixty percent of the employees were members in good standing.
78. Where the vote is taken and the majority of votes cast are in favour of the applicant, the Board will certify that trade union as bargaining agent of the employees in the union.
79. Previously, the trade union was certified if the Board was satisfied that not less than sixty percent of the employees had voted and that a majority of those voting had selected that trade union.
80. New sections lay down discretionary powers of the Board:

Where, in the opinion of the Board, an employer or employer's organization has contravened this Act or regulations made pursuant to this Act in so significant a way that the representation vote does not reflect the true wishes of the employees in the bargaining unit determined to be appropriate for collective bargaining, and in the opinion of the Board the applicant trade union, at the date of the filing of the application for certification, had as members in good standing not less than forty per centum of the employees in the unit, the Board may, in its discretion, certify the trade union as bargaining agent of the employees in the unit.

Where in the opinion of the Board the applicant trade union or a representative of the trade union has contravened this Act or regulations made pursuant to this Act in so significant a way that the representation vote does not reflect the true wishes of the employees in the bargaining unit determined to be appropriate for collective bargaining, the Board may, in its discretion, dismiss the application.

Where in the opinion of the Board the applicant trade union or a representative of the trade union has contravened this Act or regulations made pursuant to this Act so that the membership information filed with the application does not represent the true wishes of the employees in the unit determined to be appropriate for collective bargaining the Board may, in its discretion, dismiss the application.

81. The Board is empowered to prescribe the nature of evidence to be furnished to it and the Board or any person to whom it may in writing delegate the authority may, in all matters relating to certification requiring a determination to be made, make or cause to be made any examination of records or other inquiries, hold any hearings or supervise the taking and counting of any votes that it deems expedient. Hindrance or obstruction of the Board or its authorized delegate in the exercise of these powers is forbidden.
82. In Saskatchewan, The Trade Union Act was amended effective May 10, 1977. The amendment adds a new section:

Rights of Parties After Expiry of Collective Bargaining Agreement

83. Where either party to a collective agreement gives or has given notice in writing (not less than thirty days or more than sixty days before expiry date) to the other party to negotiate a revision of the agreement, the employees or employer concerned may, after the expiry of the term of operation provided in the agreement, commence to strike or lockout as the case may require.
84. The "term of operation" does not include any period of time after the date on which the agreement has expired if one of the parties had given notice to terminate the agreement.

## B. Construction

### Ontario

85. Bill 14, amending The Ontario Labour Relations Act and dealing with province-wide bargaining in the industrial, commercial and institutional sector of the construction industry received first reading on March 31, 1977. (Bill 176, similar in content was introduced during the previous session but did not pass into law).
86. Provincial agreements covering the whole of the Province of Ontario in the industrial, commercial or institutional sector of the construction industry will be concluded between designated or accredited employer bargaining agencies and designated or certified employee bargaining agencies.
87. The bargaining agencies will be designated by the Minister or recognized by the Labour Relations Board upon application. The Board will certify an employee bargaining agency to represent a provincial unit when satisfied that a majority of the affiliated unions is represented by the agency and holds bargaining rights for a majority of employees that would be bound by a provincial agreement.
88. Employer bargaining agencies will be accredited by the Board where a majority of the employers in the proposed provincial unit employ a majority of employees for whom the affiliated unions hold bargaining rights. Application for certification or accreditation of bargaining agencies will be possible during the period between the 120th and 180th days prior to the termination of a provincial agreement.
89. Employer and employee bargaining agencies will make only one provincial agreement for each provincial unit that they represent. Separate collective agreements or arrangements affecting employees represented by affiliated bargaining agents will be prohibited after April 30, 1978. Every provincial agreement will have a term of two years and will expire on April 30th calculated biennially from the 30th day of April 1978.
90. Collective agreements in operation at the time of the coming into force of Bill 14 will be enforceable and binding on the parties only for the remainder of the term of operation. Those agreements entered into after January 1, 1977 but before April 30, 1978 will be deemed to expire not later than April 30, 1978.
91. Upon the application of a trade union, a council of trade unions, or an employer or employers' organization, the Labour Relations Board will determine any question that arises as to whether work performed or to be performed by employees is within the industrial, commercial or institutional sector of the construction industry.
92. When Bill 14 becomes law it will be prohibited for an employee bargaining agency to act in a manner that is arbitrary, discriminatory or in bad faith in the representation of affiliated bargaining agents whether they are members of the agency or not, and in the representation of employees whether members of an affiliated bargaining agent or not.



93. Employer bargaining agencies will be subject to the same prohibition in representing any of the employers in the provincial unit, whether they are members of the designated or accredited bargaining agency or not.
94. The Bill provides that the Lieutenant-Governor in Council may make regulations designating a co-ordinating agency and establishing the constitution of this agency.
95. Every employer bargaining agency will be a member of the co-ordinating agency designated in the regulations to co-ordinate bargaining for employer bargaining agencies and will pay the fees set out in the constitution.

## V. OCCUPATIONAL SAFETY AND HEALTH

96. During the last five months, some jurisdictions have made changes in their occupational safety and health legislation. Among these changes, Saskatchewan has passed a new act - the Occupational Health and Safety Act, 1977 and New Brunswick has adopted a new Occupational Safety Code under its Occupational Safety Act.

### General Safety and Health

97. Saskatchewan has passed a new act, the Occupational Health and Safety Act, 1977 which will replace the Mines Regulation Act and the Occupational Health Act, 1972 when it is proclaimed into force.

### General Duties

98. Two new duties are specified for employers namely to consult and co-operate with the occupational health committee at the place of employment for the purpose of resolving concerns on matters of health, safety and welfare at work and co-operate with any other person exercising a duty imposed by the Act or the regulations.
99. An additional duty is also imposed on workers, reciprocal to that on employers, to co-operate with other persons exercising a duty under the Act or the regulations.
100. The terms "self-employed person" and "worker" are now defined separately and the duties of the former are specified.
101. Every self-employed person must:
- 1) conduct his undertaking in such a way as to ensure, insofar as is reasonably practicable, that he and workers employed on or about the same place of employment who may be affected by the undertaking are not thereby exposed to risks to their health and safety;
  - 2) co-operate with any other person exercising a duty imposed by the Act or the regulations; and
  - 3) comply with the Act and the regulations.

### Occupational Health and Safety Division

102. The Occupational Health and Safety Division is being continued without substantial change in its duties.
103. The powers of the division have been broadened somewhat to permit it to provide services to assist self-employed persons and occupational health committees and to encourage or conduct educational programs which include seminars and courses of training. Also, a new provision gives the division a limited authority to make grants, subject to regulation by the Lieutenant-Governor in Council.

Occupational Health and Safety Council

104. The Occupational Health Council provided in the Occupational Health Act, 1972 is being continued as the Occupational Health and Safety Council.

Notices of Contravention

105. The new Occupational Health and Safety Act, 1977 includes a provision authorizing the issuance by an occupational health officer of an official "notice of contravention" when violations of the Act or regulations are observed. It sets forth the conditions under which notices may be issued and prescribes their contents with respect to requiring corrections to be made within periods of time related to the degree of hazard created by the contravention.
106. The 1972 Act was silent as to the procedures for identifying violations of the Act or regulations and securing compliance, other than by prosecution. Certain authority was given to the Minister of Labour to issue orders when he believed a risk of injury or ill-health existed. Such orders were not considered an appropriate mechanism for securing timely corrections to prevent such risks from arising. The new legislative approach which is outlined in the previous paragraph, is comparable to what is done in most Canadian jurisdictions.
107. Where there is an occupational health committee at a place of employment and a notice of contravention relating to that place has been served upon any person, the occupational health officer must provide the committee with a copy of that notice. Where there is no such committee, the officer must post a copy of the notice in a prominent place at the place of employment.
108. The person on whom a notice has been served must, within seven days of the end of the period specified in the notice, provide the occupational health committee with, or where no committee exists must post in a prominent place at the place of employment, a written report of the progress that has been made towards remedying the contravention. In the case of a notice relating to a risk of serious personal injury, he must, within seven days of the end of the period specified in the notice, send a copy of the report to the occupational health officer who issued the notice.
109. A person on whom a notice of contravention is served may, within seven days from the date of its service, appeal to the director of the Occupational Health and Safety Division who may affirm, amend or cancel the notice, and the director will provide reasons in writing for his decision. The bringing of such an appeal does not have the effect of suspending the operation of the notice, but it may be suspended by the director until the appeal is disposed of.
110. Any person aggrieved by a decision of the director may make an appeal to a judge of the district court within thirty days after the date of the decision. The decision of the judge is final.

### Obtaining of Information

111. For the purpose of obtaining any information which the Occupational Health and Safety Division needs for the performance of its duties and the exercise of its powers, the director of the Division may direct any person to furnish him with such information in such form and manner and within such time as he may specify.

### Occupational Health Committees

112. As in the 1972 Act, the new Act contains legislation requiring the establishment of an occupational health committee at every place of employment where ten or more workers are employed.

### Right of Worker to Refuse Dangerous Acts

113. The legislation dealing with the right of a worker to refuse dangerous work is substantially the same as the provisions presently contained in the Labour Standards Act, 1969. These provisions are being deleted from that Act, as it is considered preferable that all occupational health and safety matters be consolidated under a single statute.
114. The legislation of the new Act stipulates that a worker may refuse to do any particular act or series of acts at work which he has reasonable grounds to believe are unusually dangerous to his health or safety or the health and safety of any other person at the place of employment until sufficient steps have been taken to satisfy him otherwise, or until the occupational health committee or occupational health officer has investigated the matter and advised him otherwise.
115. No discriminatory action may be taken against any worker by reason of the fact that he has exercised the right just described.
116. Where discriminatory action is taken against a worker who has exercised the right to refuse dangerous acts, there is a presumption in favour of the worker that the discriminatory action was taken against him for that reason and the onus is upon the employer to establish that the worker was discriminated against for good and sufficient other reason.
117. Notwithstanding any provision of the Act, temporary assignment to alternative work at no loss in pay to the worker until the matter (refusal to do dangerous acts) is resolved is deemed not to constitute discriminatory action.
118. Where an employer is convicted of taking discriminatory action against a worker contrary to any provision of the Act, the convicting provincial magistrate must order:
- 1) the employer to cease the discriminatory action and to reinstate the worker to his former employment under the same terms and conditions under which he was formerly employed;



- 2) the employer to pay to the worker any wages the worker would have earned had he not been wrongfully discriminated against; and
- 3) any reprimand or other reference to the matter in the employer's records on the worker to be removed.

#### Power to Require Alternative Work

119. Where it appears to the director of the Occupational Health and Safety Division upon the advice of the chief occupational medical officer that a worker has been over-exposed to a harmful substance and that a temporary removal from the hazard will enable the worker to resume his usual work, the director may order the employer to provide, without loss of pay to the worker, temporary alternative work which in his opinion is suitable, for such period of time as he may specify.

#### Offences and Penalties

120. Offences are specifically stated in the Act and differing penalties are established according to the seriousness of the offence.
121. Where an individual is convicted of an offence under the Act, the convicting provincial magistrate may, in addition to imposing a fine, order that the convicted person be imprisoned for a term not exceeding two years.
122. Where a corporation has committed an offence against the Act, an officer, director, manager or agent of the corporation who directed, authorized or participated in the commission of the offence is liable on summary conviction to the penalties for individuals provided for the offence under the Act whether or not the corporation has been prosecuted.
123. In any proceedings for an offence under any of the provisions of the Act or the regulations consisting of a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, it is for the accused to prove, as the case may be, that it was not practicable or not reasonably practicable to do more than was actually done to satisfy the duty or requirement, or that there was no better practicable means than was actually used to satisfy the duty or requirement.
124. Effective January 5, 1977, New Brunswick has issued a new Occupational Safety Code which is a complete revision of the Industrial Safety Code made under the now repealed Industrial Safety Act. The new code contains many new or revised requirements.

#### Inspection of Places of Employment

125. A representative of employees may accompany an occupational safety officer during an inspection of a place of employment.

126. When an inspection is made at the request of an employee, such employee must be provided with a copy of the special inspection report.

#### General Safety Practices

127. When a potential hazard exists in a working area which might endanger the safety of an employee, the Chief Safety Officer may require the employer to:

- 1) assign an additional employee to the hazardous area; and
- 2) take any other precautionary measure deemed advisable to assure the safety of the employee.

128. Every employer with less than twenty employees must establish and enforce an approved safety policy which must include general safety practices.

#### Safety Committees

129. Every employer with twenty or more employees must establish and enforce an approved safety policy requiring the establishment of a safety committee which must:

- 1) consist of equal representation from both the employer and the employees;
- 2) be involved in the establishment and enforcement of policies involving safety practices;
- 3) keep the employees informed of all policies involving safety practices;
- 4) maintain an appropriate bulletin board for the exclusive use of the safety committee;
- 5) be knowledgeable with the requirements of the Occupational Safety Act and regulations;
- 6) elect a chairman and secretary from and by the members of the committee;
- 7) hold meetings at least once a month and minutes of such meetings must be taken, retained for a minimum period of one year and made available upon request to the occupational safety officer; and
- 8) carry out safety inspections on a regular basis.

### Training Before Commencing Work

130. Every employer must ensure that each employee, before commencing any work, is properly trained in:
- 1) the duties of his work;
  - 2) the safe operation of equipment, machinery and tools to be used;
  - 3) the use and maintenance of protective equipment; and
  - 4) safety procedures in accordance with the regulations.

### Ventilation

131. The employer must ensure that where the air in working areas may be contaminated, which may constitute a hazard to the health or safety of the employees, the concentration of such substance must not exceed the threshold limit value recommended by the American Conference of Governmental Industrial Hygienists in its pamphlet "Threshold Limit Values for Chemical Substances and Physical Agents in the Working Environment with Intended Changes for 1976".

### Industrial Noise

132. Where it is not possible to limit the noise level to 90 dB (decibels) on the A scale, the employer must ensure that the maximum time permitted to noise exposure by an employee without approved hearing protection must be in accordance with the following table:

Sound level in decibels	Maximum number of hours of exposure per employee per work day
more than 87 but not more than 90.....	8
more than 90 but not more than 92.....	6
more than 92 but not more than 95.....	4
more than 95 but not more than 97.....	3
more than 97 but not more than 100.....	2
more than 100 but not more than 102.....	1.5
more than 102 but not more than 105.....	1
more than 105 but not more than 110.....	0.5
more than 110 but not more than 115.....	0.25
more than 115.....	0

133. When the limit mentioned above cannot be maintained, approved hearing protection must be worn at all times by the employee.
134. Where the noise level exceeds 90 dBA (decibels), an employer must post a conspicuous sign which must warn individuals that hearing protection is required. Requirements are made regarding the size of the sign and the contrasting letters being used.

135. The daily exposure to impulse noise must be limited to 100 impulses at 140 dB, 1000 impulses at 130 dB and 10,000 impulses at 120 dB on the A scale.

#### Radiation

136. Where employees are exposed to ionizing radiation, the maximum intensity and exposure time to such radiation must conform to the standards set by the International Commission on Radiological Protection.

#### Camps and Facilities

137. Other amendments have been made to the code including a new part dealing with camps (temporary or permanent buildings provided by an employer) and the facilities connected with them.

#### Mining

138. An Act to amend the Mining Act was passed in Québec and will come into force on proclamation. Among other things, the Act abrogates a provision which prohibited a woman or girl to work underground in a mine, except as an engineer or geologist.

#### Radiological Technicians

139. Effective November 4, 1976, Alberta has repealed a provision of the Radiological Technicians Act which prohibited a person to employ a woman to operate an X-ray machine while he knew or ought reasonably to have known that she was pregnant. The prohibition for a woman to operate an X-ray machine while she knew that she was pregnant has also been removed.

#### Boilers and Pressure Vessels

140. In Saskatchewan, a new Boiler and Pressure Vessel Act, 1977 has been passed and proclaimed into force effective July 1, 1977.

#### Electrical Protection

141. The Yukon Territory has issued a revised Electrical Protection Ordinance which was assented to December 3, 1976. The new Ordinance will become effective on such day or days as may be fixed by the Commissioner.

#### Building Safety

142. The following regulations have been issued under the Alberta Uniform Building Standards Act:

1) The Alberta Building Regulations (revision);



- 2) The Alberta Regulations Governing General Safety During Construction, Demolition and Relocation of Buildings (new); and
- 3) The Alberta Heating, Ventilating and Air-Conditioning Regulations (new).

These regulations are administered by the Department of Labour.

143. In Nova Scotia, the Building Code Act was assented to May 19, 1977 and will come into force on proclamation.
144. The Act empowers the Governor in Council to make regulations establishing a building code governing minimum standards for the construction and demolition of buildings and for regulating and controlling the use of materials, equipment and appliances in the construction of buildings.
145. The Building Code Act applies to every new building constructed or a building demolished after the Act comes into force and the municipalities of the province will be responsible for its enforcement.

#### Fire Code

146. Manitoba has passed a regulation under the Fires Prevention Act providing for the adoption of a fire code.
147. Effective April 1, 1977, the Manitoba Fire Code enables the province to enforce a uniform, legally established set of standards and requirements relating to fire prevention, fire protection and life safety in buildings.

## VI. WORKERS' COMPENSATION

148. During the last five months, Saskatchewan has passed an Act to amend the Workers' Compensation Act, 1974 and amendments were also made to the legislation of Alberta, British Columbia and Manitoba.

### Coverage

149. In Alberta, effective January 1, 1977 all personnel, including pilots and other members of air crew, who are employed in aerial advertising, spraying or surveying, air ambulance, airplane transportation, flying schools and clubs, operation of airplanes for hire and water bombing are now protected by the Workers' Compensation Act.
150. Extraprovincial and foreign-based charter flights are exempted from the application of the Act unless the work in which they are engaged is carried out as part of an industry within the scope of the Act, or an application to be covered has been approved by the Board.
151. In British Columbia, the industries of security services and investigation services will be brought within the scope of Part 1 of the Workers' Compensation Act, effective January 1, 1978.

### Benefits to Dependants

152. In Saskatchewan, effective April 1, 1977, amendments to the Workers' Compensation Act, 1974 brought increases in the income of dependants.
153. The monthly pension payable to a dependent spouse has been increased from \$275 to \$325 plus an allowance of \$85 per month (formerly \$65) for each dependent child under 16.
154. An orphan child under 16 is now entitled to a monthly payment of \$110 compared to \$80 previously.

### Disability Benefits

155. Effective April 1, 1977, Saskatchewan has amended its legislation governing the amount of compensation paid for disablement arising out of and in the course of employment.
156. The minimum amount of compensation to which an injured worker is entitled for permanent total disability has been increased from \$75 per week to \$405 per month and for permanent partial disability, the minimum is a corresponding amount in proportion to the impairment of earning capacity.
157. An injured worker suffering from a temporary total disability receives a minimum compensation of \$405 per month (formerly \$75 per week) or his average earnings when they are less than that amount. For temporary partial disability the minimum is a corresponding amount in proportion to the impairment of earning capacity.

158. On and after April 1, 1977 the monthly amount of compensation to which an injured worker is entitled for permanent disability, has been increased according to the following formula:

Percentage degree of impairment x \$80.

159. This increase applies only to compensation for injuries from accidents which occurred prior to January 1, 1976.
160. An injured worker is only entitled to one increase in compensation which is the greater of:
- 1) the increase in the minimum amount of compensation which is paid in respect of a permanent disability (as described earlier); or
  - 2) the increase obtained by the application of the formula mentioned in the paragraph before last.

#### Compensable Diseases

161. In Manitoba, there has been a revision of the regulation respecting fire fighters under the Workers' Compensation Act.
162. The new regulation provides that if a fire fighter, with two years of continuous service, has been medically approved for his employment and suffers a heart injury, he will be entitled to compensation if it is diagnosed by a qualified physician. The injury will be presumed a result of his fire fighting activity, unless the contrary is shown.
163. The provision just described also applies to a fire fighter who has had a heart injury, who has, thereafter, been medically certified to be fit for service as a fire fighter and who suffers any subsequent injury to the heart.
164. Where a fire fighter suffers injury to his lungs, brain or kidneys, unless the contrary is shown, the injury is presumed to have arisen out of and in the course of his employment as a fire fighter resulting from the inhalation of smoke, gases and fumes or any of them.
165. Where a fire fighter suffers disability by reason of inhalation of carbon monoxide, unless the contrary is shown, the disability is presumed to have been caused by injury arising out of and in the course of his employment as a fire fighter.
166. British Columbia has added gastro-intestinal cancer (as described in the legislation) to its schedule of industrial diseases deemed to have been due to the nature of employment unless the contrary is proved.

167. This applies to disablements or deaths from gastro-intestinal cancer occurring on or after March 1, 1977 when a worker has been employed in any industry or process where there is exposure to asbestos fibres if during the period between the first exposure and the diagnosis of gastro-intestinal cancer there has been a period of, or periods adding up to, 20 years of continuous exposure to asbestos fibres. Such exposure must represent or be a manifestation of the major component of the occupational activity in which it occurred.



## DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, most Bills are referred to a committee to undergo detailed study and possibly amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole House.

After third reading and adoption, a Bill then must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. This date may be indeterminate.

An index of Bills introduced or passed during the current period is attached to this report. The date of disposition of Bills is mentioned unless the information was not available (N.A.) at the time the index was prepared.

INDEX OF BILLS

January 1, 1977 - May 31, 1977

Legislature	Bill No.	Title	Disposition
Federal		<u>Government Bills</u>	
	C-25	An Act to extend the present laws in Canada that proscribe discrimination and that protect the privacy of individuals	3rd reading 02/06/77 <u>Senate</u> 2nd reading 14/06/77
	C-27	An Act to establish the Department of Employment and Immigration, the Canada Employment and Immigration Commission and the Canada Employment and Immigration Advisory Council, to amend the Unemployment Insurance Act, 1971 and to amend certain other statutes in consequence thereof	2nd reading 31/03/77
	C-32	An Act to amend the Canada Labour Code	1st reading 27/01/77
	C-53	An Act to correct certain anomalies, inconsistencies, archaisms, errors and other matters of a non-controversial and uncomplicated nature in the Revised Statutes of Canada 1970 and other Acts subsequent to 1970	3rd reading 03/06/77 <u>Senate</u> 2nd reading 14/06/77
		<u>Private Members' Bills</u>	
	C-396	An Act to amend the Canada Labour Code	1st reading 15/02/77
	C-397	An Act respecting the establishment of worker-inspectors in the workplace	1st reading 17/02/77
	C-398	An Act respecting the ensuring of rights of employees to refuse to perform work that is dangerous to their health or safety	1st reading 17/02/77
	C-399	An Act respecting health and safety committees in the workplace	1st reading 17/02/77

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u>	
	C-403	An Act to amend the Unemployment Insurance Act, 1971 (disentitlement by age or pension)	1st reading 03/03/77
	C-404	An Act to prohibit aid to foreign countries violating human rights	1st reading 03/03/77
	C-407	An Act to amend the Canada Shipping Act (noise pollution)	1st reading 15/03/77
	C-413	An Act respecting a Canadian Bill of Rights for Children	1st reading 18/04/77
	C-414	An Act to amend the Public Service Employment Act (oaths and confidential information)	1st reading 27/04/77
	C-420	An Act to amend the Citizenship Act (conscientious objectors)	1st reading 18/05/77
Alberta	<u>1976</u>	<u>Government Bills</u>	
	69	The Alberta Labour Amendment Act	Royal Assent 04/11/76
	<u>1977</u>		
	35	The Workers' Compensation Amendment Act, 1977	2nd reading 11/05/77
	41	The Public Service Employee Relations Act	Royal Assent 18/05/77
		<u>Private Members' Bills</u>	
	207	An Act Establishing the Right to Public Information and the Protection of Individual Privacy	2nd reading 14/04/77
	212	An Act to Amend The Occupational Health and Safety Act	1st reading 08/03/77
	220	The Blind Persons' Guide Dogs Act	2nd reading 21/04/77
	224	An Act Respecting the Right of the Public to Information Concerning the Public Business	1st reading 01/03/77

Legislature	Bill No.	Title	Disposition
Alberta (continued)		<u>Private Members' Bills</u>	
	228	An Act to Regulate Holiday Closings for Retail Business	1st reading 10/03/77
	233	An Act to Amend The Fire Prevention Act	1st reading 06/04/77
British Columbia	<u>1976</u>	<u>Government Bills</u>	
	82	Public Service Labour Relations Amendment Act, 1976	Royal Assent 30/06/76
		<u>Private Members' Bills</u>	
	M202	Freedom of Information Act	1st reading 31/01/77
	M203	An Act to Amend The Human Rights Code of British Columbia	1st reading 03/02/77
Manitoba		<u>Government Bills</u>	
	18	The Retail Businesses Holiday Closing Act	Royal Assent 18/06/77
	26	An Act to amend The Apprenticeship and Tradesmen's Qualifications Act	Royal Assent 18/06/77
	34	An Act to amend The Labour Relations Act	1st reading 28/03/77
	45	An Act to amend The Vacations with Pay Act	Royal Assent 18/06/77
	47	An Act to amend The Department of Labour Act	Royal Assent 18/06/77
	50	An Act to amend The Payment of Wages Act	Royal Assent 18/06/77
	59	An Act to amend The Human Rights Act	Royal Assent 18/06/77
	65	An Act to amend The Employment Standards Act (2)	Royal Assent 18/06/77

Legislature	Bill No.	Title	Disposition
Manitoba (continued)		<u>Government Bills</u>	
	81	An Act to amend The Employment Standards Act (3)	Royal Assent 18/06/77
	82	The Statute Law Amendment Act (1977)	Royal Assent 18/06/77
		<u>Private Member's Bill</u>	
	17	The Freedom of Information Act	1st reading 03/03/77
New Brunswick		<u>Government Bills</u>	
	13	An Act to Amend The Plumbing Installation and Inspection Act	3rd reading 10/06/77
	28	An Act to Amend The Occupational Safety Act	3rd reading 10/06/77
Newfoundland		<u>Government Bills</u>	
	5	An Act to Amend The Attachment of Wages Act	N/A
	31	An Act to Style The Department of Manpower and Industrial Relations Act as the Department of Labour and Manpower	N/A
	34	An Act to Provide Uniform Minimum Standards of Conditions of Employment in the Province	N/A
Nova Scotia		<u>Government Bills</u>	
	18	An Act to Amend Chapter 10 of the Acts of 1972, the Labour Standards Code	Royal Assent 19/05/77
	48	An Act Respecting Certain Rights of Blind Persons	Royal Assent 19/05/77
	51	An Act to Provide for a Provincial Building Code	Royal Assent 19/05/77
	102	An Act to Amend the Statute Law Respecting Women	Royal Assent 19/05/77



Legislature	Bill No.	Title	Disposition
Nova Scotia (continued).	<u>Government Bills</u>		
	104	An Act to Amend Chapter 9 of the Acts of 1976, the Fire Prevention Act	Royal Assent 19/05/77
	112	An Act to Amend Chapter 11 of the Acts of 1969, the Human Rights Act	Royal Assent 19/05/77
	132	An Act to Amend Chapter 32 of the Acts of 1974, the Teachers' Collective Bargaining Act	Royal Assent 19/05/77
	133	An Act to Amend Chapter 81 of the Revised Statutes of 1967, the Education Act	Royal Assent 19/05/77
	145	An Act Respecting Access by the Public to Information on File with the Government	Royal Assent 19/05/77
	146	An Act to Establish an Advisory Council on the Status of Women	Royal Assent 19/05/77
	150	An Act to Amend Chapter 19 of the Acts of 1972, the Trade Union Act	Royal Assent 19/05/77
	<u>Private Members' Bills</u>		
	47	An Act to Protect Unemployed Workers from Personal Hardship	1st reading 09/03/77
	93	An Act to Amend Chapter 65 of the Acts of 1968, the Workmen's Compensation Act	1st reading 30/03/77
	99	An Act to Amend Chapter 19 of the Acts of 1972, the Trade Union Act	1st reading 01/04/77
	100	An Act to Repeal Chapter 35 of the Revised Statutes, 1967 the Civil Service Joint Council Act	1st reading 01/04/77
	101	An Act to Amend Chapter 109 of the Acts of 1968, the Teaching Profession Act	Royal Assent 19/05/77

Legislature	Bill No.	Title	Disposition
Nova Scotia (continued)		<u>Private Members' Bills</u>	
	105	An Act to Amend Chapter 19 of the Acts of 1972, the Trade Union Act	1st reading 06/04/77
	113	An Act to Amend Chapter 343 of the Revised Statutes, 1967, the Workmen's Compensation Act	1st reading 15/04/77
Ontario		<u>Government Bills</u>	
	14	An Act to amend The Labour Relations Act	1st reading 31/03/77
	29	An Act to provide for successor Rights on the Transfer of an Undertaking to or from the Crown	1st reading 12/04/77
	62	An Act to amend The Ministry of Labour Act	1st reading 28/04/77
		<u>Private Members' Bills</u>	
	4	An Act to Provide for Freedom of Information	1st reading 29/03/77
	16	An Act to amend The Ontario Human Rights Code	1st reading 04/04/77
	22	An Act to amend The Labour Relations Act	1st reading 05/04/77
	27	An Act to amend The Employees' Health and Safety Act, 1976	1st reading 07/04/77
	32	An Act to amend The Labour Relations Act	1st reading 14/04/77
	37	An Act to amend The Ontario Human Rights Code	1st reading 18/04/77
	38	An Act respecting Toxic and Hazardous Substances	1st reading 19/04/77
	39	An Act to prohibit Discrimination in Business Transactions	1st reading 19/04/77
	56	An Act to amend The Employment Standards Act, 1974	1st reading 22/04/77

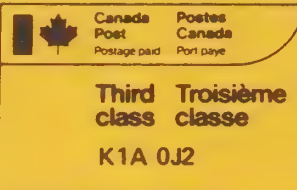
Legislature	Bill No.	Title	Disposition
Ontario (continued)		<u>Private Members' Bills</u>	
	60	An Act to amend The Pension Benefits Act	1st reading 26/04/77
	61	An Act to amend The Workmen's Compensation Act	1st reading 26/04/77
	74	An Act to amend The Employment Standards Act, 1974	1st reading 29/04/77
	75	An Act to amend The Labour Relations Act	1st reading 29/04/77
	78	An Act to amend The Ontario Human Rights Code	1st reading 29/04/77
Prince Edward Island		<u>Government Bills</u>	
	2	An Act to Amend the Labour Act	Royal Assent 13/05/77
	3	An Act to Amend the Workers' Compensation Act	Royal Assent 13/05/77
	14	Statutes Rectification Act	Royal Assent 13/05/77
	16	Power Engineers Act	Royal Assent 13/05/77
	37	An Act to Amend the Garnishee Act	Royal Assent 13/05/77
Québec		<u>Government Bills</u>	
	1	Charter of the French language in Québec	1st reading 27/04/77
	5	An Act to amend the Workmen's Compensation Act and the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries and to again Amend The Social Affairs Commission Act	1st reading 06/05/77

Legislature	Bill No.	Title	Disposition
Québec (continued)	<u>Government Bills</u>		
	23	An Act to amend the Public Health Protection Act and other legislation	1st reading 11/03/77
	27	An Act to amend the Mining Act	Royal Assent 31/05/77
Saskatchewan	<u>Government Bills</u>		
	38	An Act respecting Annual Holidays, Hours of Work, Minimum Wages and Other Employment Standards	Royal Assent 10/05/77
	57	An Act to Amend The Public Service Act	Royal Assent 22/04/77
	71	An Act Respecting Boilers and Pressure Vessels and Steam, Refrigeration and Compressed Gas Plants	Proclaimed 01/07/77
	73	An Act for The Promotion and Protection of the Health and Safety of Persons Engaged in Occupations	Royal Assent 10/05/77
	93	An Act to Amend The Workers' Compensation Act, 1974	Royal Assent 10/05/77
	97	An Act to Amend The Ombudsman Act, 1972	Royal Assent 10/05/77
	107	An Act to Amend The Trade Union Act, 1972	Royal Assent 10/05/77
	<u>Private Member's Bill</u>		
	92	An Act respecting the Right of the Public to Information concerning the Public Business	1st reading 14/04/77









If undelivered return to:  
Canada Department of Labour

En cas de non-livraison, retourner à:  
Ministère du Travail du Canada

CA1  
L11  
-L26

# LEGISLATIVE REVIEW

NUMBER 10  
DECEMBER 31, 1977



Labour  
Canada

Travail  
Canada



# **LEGISLATIVE REVIEW**

**NUMBER 10  
DECEMBER 31, 1977**

Labour Canada  
Legislative Analysis

Hon. John Munro, Minister  
T.M. Eberlee, Deputy Minister





## Foreword

The Legislative Review is a semi-annual report which describes pertinent labour legislation enacted by the federal, provincial and territorial governments.

Issue No. 10 covers the period from June 1, 1977 to December 31, 1977. It sets out enactments in the fields of apprenticeship and tradesmen's qualifications, employment standards, human rights, industrial relations, occupational safety and health and workers' compensation.

The present issue is co-authored by Nicole Marchand, Michel Gauvin, Bill Langford, Cal McKerral and Allan Nodwell.

The coordination of the material contained in this publication was the responsibility of Allan Nodwell.

R.W. Crowley,  
Director-General,  
Central Analytical  
Services,  
Labour Canada.

J.P. Whitridge,  
Director,  
Library and Information  
Services,  
Labour Canada.

(Cette publication est également disponible en français)



## LEGISLATIVE REVIEW

June 1, 1977 - December 31, 1977\*

	<u>Page</u>
I Apprenticeship and Tradesmen's Qualifications	1
II Employment Standards	4
III Human Rights	12
IV Industrial Relations	20
A General	20
B Public Sector	36
C Construction	42
D Emergency Legislation	44
V Occupational Safety and Health	49
VI Workers' Compensation	54
Disposition of Bills	60
Index of Bills - June 1, 1977 - December 31, 1977	61

---

\*Bills and regulations not received in time for the printer's deadline will be included in the next issue.

<u>Contents</u>	<u>Paragraphs</u>
I Apprenticeship and Tradesmen's Qualifications	1 - 32
British Columbia	1 - 25
Minister responsible	1
Agreements with federal government	4
Other agreements	5
Right of entry under Act	7
Provision of funds	8 - 9
Provincial Apprenticeship Board	11 - 13
Director of Apprenticeship	14
Apprenticeship agreements	15 - 19
Application of Act to newly designated trades	20
Trade schools	21 - 23
Occupational Training Council	24
Repeal of acts	25
Manitoba	26
New definition of "agreement"	26
Northwest Territories	27 - 32
Apprentices and Tradesmen's Qualification Board	28 - 32
Supervisor of Apprenticeship Programs	28
Local apprenticeship advisory committees	32
II Employment Standards	33 - 74
Introduction	33
Federal	34 - 37
Saskatchewan	38 - 45
Hours of Work	46 - 48
Paid Vacations	49 - 51
Payment of Wages	52 - 55
Wage Recovery	56 - 62
Special Leave	63
Minimum Wages	64 - 74
British Columbia	64
Newfoundland	65 - 66
Québec	67 - 72
Saskatchewan	73
General listing	74



## Contents

## Paragraphs

### III Human Rights

Canada	75 - 136
Preamble - Canadian Human Rights Act	77
Proscribed discrimination	78 - 79
Canadian Human Rights Commission	80 - 84
Eligibility to file complaints	86 - 88
Investigator	90 - 91
Conciliator	93 - 94
Human Rights Tribunal	95 - 107
Membership eligibility	98
Powers to summons, etc.	100
Hearings public	102
Orders	104 - 106 - 107
Special compensation	105
Telephone hate messages	107
Review Tribunal	108 - 112
Protection of complainants, participants	113
Penalties	114
Prosecutions, employers and employer associations	115
Superannuation, pension funds	116
Application of Act to Canadian Forces, R.C.M.P.	117
Protection of personal information	118 - 132
Knowledge of use of information banks	119
Examination, corrections, notations	120
Consent to non-derivative use	121
Exemption from access to information	122 - 124
Co-ordination of information banks	125
Privacy Commissioner	126 - 132
Application, effects of Act, etc.	133 - 136
British Columbia	137 - 147
Office of Ombudsman established	138
Term, etc.	140 - 141
Acting Ombudsman	142
Scope of duties, powers	143 - 147
Manitoba	148 - 149
Proscribed discrimination	148 - 149
Québec	150
Proscribed discrimination	150

<u>Contents</u>	<u>Paragraphs</u>
III Human Rights (Continued)	
Ontario	151 - 156
Discriminatory Business Practices Act - purpose	151 - 152
Orders, assurance of voluntary compliance	153
Compensation, damages	154
Results of contravention	155
Court orders	156
IV Industrial Relations	162
A General	162 - 288
Alberta	162 - 178
Labour Relations	164 - 166
Collective Bargaining	167 - 170
Effect of a Collective Agreement	171 - 178
British Columbia	179 - 194
Definitions	180 - 181
Unfair Labour Practices	182 - 184
Labour Relations Board	185 - 193
Universities	194
Newfoundland	195 - 208
Labour Relations Board	196 - 198
Arbitration-Construction Industry	199 - 201
Enforcement	202 - 203
Trade Unions Generally	204 - 208
Québec	209 - 242
The Language of Labour Relations	209
The Labour Code	210 - 242
Interpretation	212
Reinstatement of Employee	213 - 215
Constitution and By-Laws	216
Strike Vote	217 - 218
Certification	219
Union Dues	220
Financial Statements	221
Fair Representation	222 - 226
Collective Agreements	227 - 236
Arbitration of Grievances	237
Strike and Lockout	238 - 242

<u>Contents</u>	<u>Paragraphs</u>
IV Industrial Relations (Continued)	
Canada	243 - 288
CALURA	243 - 254
Labour Code	255 - 288
Canada Labour Relations Board	258 - 264
Acquisition and Termination of Bargaining Rights	265
Representation Vote	266 - 268
Collective Agreements	269 - 276
Conciliation and First Agreements	277 - 282
Unfair Practices	283 - 288
B Public Sector	289 - 330
Civil Servants	289 - 330
Alberta	289 - 313
British Columbia	314 - 319
Québec	320 - 324
Police	
Québec	325 - 330
C Construction	331 - 340
Ontario	331 - 340
D Emergency Legislation	341 - 385
British Columbia	341 - 368
Air Traffic Controllers	369 - 375
Alberta	376 - 377
Québec	378 - 385
V Occupational Safety and Health	386 - 417
Introduction	386
General Safety and Health	387 - 395
Saskatchewan	387
Ontario	388
Manitoba	389 - 391
Alberta	391
Nova Scotia	392 - 395
Radiation	396 - 397
Alberta	396 - 397

<u>Contents</u>	<u>Paragraphs</u>
V Occupational Safety and Health (Continued)	
Mines	398 - 401
Québec	398 - 401
Boilers and Pressure Vessels	402 - 404
Saskatchewan	402
New Brunswick	403 - 404
Power Engineers	405
Prince Edward Island	405
Elevators and Lifts	406 - 408
Federal	406 - 408
Electrical Code	409 - 410
Québec	409 - 410
National Emission Standards for Certain Dangerous Substances	411 - 417
Federal	411 - 417
VI Workers' Compensation	418 - 456
Introduction	418 - 419
Coverage	420
Québec	420
Earnings Ceiling	421 - 426
Alberta	421
British Columbia	422
Manitoba	422
Saskatchewan	422
Québec	423 - 426
Benefits to Dependents	427 - 435
Alberta	427 - 432
Prince Edward Island	433 - 435

<u>Contents</u>	<u>Paragraphs</u>
VI Workers' Compensation (Continued)	
Disability Benefits	436 - 440
Alberta	436 - 437
Québec	438 - 440
Review of Decisions	441 - 442
Québec	441 - 442
Penitentiary Inmates Accident Compensation	443 - 456
Federal	443 - 456





J  
I. APPRENTICESHIP AND TRADESMEN'S QUALIFICATIONS

1. On September 7, 1977, the Government of British Columbia passed the Apprenticeship and Training Development Act.
2. The Act comprises four parts.
3. Part one interprets terms used throughout the Act and outlines powers of the Minister (declared to be the Minister of Labour by B.C. Regulation 423/77) under the Act.
4. The Minister may, on behalf of the Province, enter into agreements with the federal Minister of Manpower and Immigration under the Adult Occupational Training Act.
5. Agreements may also be made with a person, including the federal or provincial governments, relating to training, job creation or employment, immigration, apprenticeship, trade schools, occupational counselling, training, and other matters prescribed by the Lieutenant-Governor in Council.
6. Employment opportunity programs may also be entered into by agreement with any person.
7. The Act entitles the Minister (or a designated person) to enter and inspect premises, equipment and training facilities of an employer or trade school. Records, etc., relating to wages, hours and conditions of work and training may be inspected and inquiries into relevant matters may be made.
8. Provision is made for the allocation of operational funds, training allowances, capital grants, etc., by the Minister, and a system of assessment to help cover costs of training programs may be prescribed by the Lieutenant-Governor in Council.
9. The Minister may enter into agreements with the Occupational Training Council to provide for the allotment of moneys for occupational training.
10. Part two of the Act deals with apprenticeship.
11. A Provincial Apprenticeship Board is established. No specific number or term are established. The Minister is responsible for appointments to the board, as well as for designation of a chairman. A vice-chairman may also be designated.
12. The Board is responsible for apprenticeship qualifications, terms, form and conditions of registered apprenticeship agreements, and fees payable to the Government by the recipient of certificates of apprenticeship or qualification.

13. The Board must establish trade advisory committees and examining boards and specify their duties and rules of practice and procedure. It must also advise the occupational training council, hear appeals from the director of apprenticeship and examining boards, and carry out other duties as directed by the Minister.
14. The duties of the Director of Apprenticeship include deciding rights and duties of parties to an apprenticeship agreement, establishing and maintaining a system of apprenticeship registration and certification, issuing certificates of apprenticeship and certification to qualified persons, monitoring the quality of training, appointing members of examining boards and trade advisory committees and reporting their activities to the provincial apprenticeship board, advising the occupational training council and the board on apprenticeship needs, developing and reviewing course content and examinations for apprentices, establishing and maintaining an information and counselling system for apprentices, and carrying out other duties as directed by the Minister.
15. Apprenticeship agreements between an employer and employee may be filed with the Director for registration. No apprenticeship agreement for a designated trade is valid unless so registered.
16. Provision is also made for the cancellation of an apprenticeship agreement by the director where the director judges the agreement not to be in the best interests of the apprentice.
17. An agreement may also be cancelled by either party to the agreement, and the rights and duties of the principal (employer or person authorized by the Minister) may be assigned after prior approval of the Director.
18. A registered apprenticeship agreement under which a minor is an apprentice is binding as though the minor were an adult.
19. Where a trade is newly designated, the employer must file existing apprenticeship agreements within three months after designation, for registration by the Director.
20. The Act becomes applicable to apprentices in newly designated trades three months after such designation is made.
21. Part three deals with trade schools.
22. The Director of Trade Schools must require trade schools to post a bond under the Security Bonding Act, specify hours, terms and conditions of enrolment, and control tuition fee collection at trade schools.
23. Trade schools must be registered and comply with specifications for operation, and are prohibited from accepting any compensation in return for offering employment, finding employment or providing employment information.

24. The Occupational Training Council may enter into an agreement with a training school to provide training.
25. Part four contains general provisions, including the repeal of the Apprenticeship and Tradesmen's Qualification Act, the Special Provincial Employment Programmes Act, and the Trade Schools Regulation Act.
26. Manitoba amended the Apprenticeship and Tradesmen's Qualifications Act to amend the definition of "agreement" to include, besides an agreement of apprenticeship in a designated trade, a pool agreement of apprenticeship executed by an apprenticeship training co-ordinator or the representative of an organization, committee, or association, where such agreements are approved by the director.
27. On October 27, 1976,\* the Northwest Territories enacted the Apprentices and Tradesmen Ordinance, which repealed the Apprentice Training Ordinance.
28. The Ordinance provides for an Apprentice and Tradesmen's Qualifications Board, and for a Supervisor of Apprenticeship Programs.
29. The Board must meet quarterly and may hold special meetings when the chairman considers this necessary.
30. The Board hears appeals, designates trades, reviews recommendations of a trade advisory committee, recommend regulations, and performs other duties which the Executive Member (i.e., the member of Executive Committee of the territorise government responsible for the apprenticeship program) considers within the scope of the ordinance.
31. Trade advisory committees for any trade or group of trades may be appointed by the Executive Member to advise the Board in apprenticeship matters.
32. The Supervisor of Apprenticeship programs may appoint local apprenticeship advisory committees to advise and assist him.

---

\*This ordinance was previously unreported.

## II. EMPLOYMENT STANDARDS

33. The most important changes in standards came with the proclamation of the Saskatchewan Labour Standards Act, 1977. Manitoba amended the Employment Standards Act, the Vacation With Pay Act and the Payment of Wages Act. Other minor changes were introduced by the federal, British Columbia, Nova Scotia and Northwest Territories jurisdictions. Several changes in the minimum wages also took place during the past seven months.

### Federal

#### Canada Labour Code

34. (1) Subsection 60(2) is repealed and the following substituted therefore:
- (2) A copy of any notice given to the Minister under subsection (1) shall be given forthwith by the employer to the Canada Employment and Investigation Commission and to any trade union certified to represent any employee in the group of employees whose employment is to be terminated or recognized by the employer as bargaining agent for any such employee; and where any employee in such group is not represented by a trade union, a copy of such notice shall be given to him or posted forthwith by the employer in a conspicuous place within the industrial establishment in which that employee is employed.

35. (2) Section 60.1 is repealed and the following substituted therefore:

60.1 An employee who gives notice to the Minister under section 60 and any trade union to which a copy of such a notice is given shall provide to Canada Employment and Immigration any information requested by it for the purpose of assisting employers to whom the notice relates and shall operate with that commission to facilitate the re-establishment in employment of those employees.

### Country Elevator Agents and Manager Hours of Work Regulations

#### Exemption

36. The class of employees known as Country Elevator Agents or Country Elevator Managers who are employed in the grain industry in the provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia are exempted from the application of sections 29 and 30 of the Act until the first day of August, 1978 (hours of work).

#### Scheduling Hours of Work

37. For the purpose of these Regulations, hours of work may be scheduled and actually worked without regard to section 31 of the Act.



38. Saskatchewan proclaimed in force the Labour Standards Act, 1977 on October 29, 1977.
39. The hours of work provision are inapplicable to employees who perform services entirely of a managerial character.
40. The Act does not apply to an employee employed primarily in farming, ranching or market gardening but the operation of egg hatcheries, greenhouses and nurseries, or bush clearing operations shall be deemed not to be within the meaning of farming, ranching or market gardening.
41. The Parts governing hours of work, annual vacations and public holidays do not apply to teachers as defined in section 2 of the School Act.
42. The definition of "day" would relieve retail establishments which remain open one night per week from the obligation to pay overtime unless a special permit is obtained.
43. An employee is not required to work beyond 44 hours per week.
44. Maternity leave of 18 weeks may commence at any time prior to the birth of a child.
45. Penalties for offences under the Act have been increased to \$200 and in default of payment to imprisonment to 30 days and in each subsequent offence to a fine of not more than \$500 or imprisonment to not more than 90 days.

#### Hours of Work

##### Manitoba

46. The Standard hours of work for an employee are 40 hours in any week and 8 hours in any day.
47. An employer may not require an employee to work more than the standard hours.
48. Only in cases of very specific emergencies is an employee required to work overtime.

## Paid Vacations

### Manitoba

49. The employer, at the time of termination, shall pay to the employee:
- (a) not less than 4% of the wages paid during regular working hours since employment began or the employee last became entitled to a vacation with pay.
  - (b) where the employee has been employed by the employer for 5 or more years and has worked for at least 50% of the regular working hours in each of 4 years in the preceding 10 years, an amount not less than 6% of the wages paid to the employee during the regular working hours worked by him since he last became entitled to a vacation with pay.
50. Where an employee has worked during a twelve month period but does not qualify for vacation with pay (less than 95% of regular working hours) he shall be paid in accordance with (a) or (b) above.
51. Every employer shall be deemed to hold the vacation wages and allowances accruing due to an employee in trust and the employee has a lien and charge in the amount of the vacation wages and allowances or the assets of the employer.

## Payment of Wages

### Manitoba

52. Wages are deemed to be held in trust by the employer and the employee has a lien and charge in the amount of wages on the assets of the employer.
53. Any money received by the division shall be held in trust for the employee and shall be paid to the employee complainant or the employer as the case requires.
54. Upon an appeal where the appellant is an employer, he shall at the time of filing his appeal pay into the county court the amount ordered to be paid and upon completion of the hearing the judge may order the disposition of these moneys.
55. An order paid under this Act by the division, board or a judge or magistrate, for the payment of moneys or wages, shall require payment of the wages
- (a) by the person who is primarily liable for the payment thereof; and
  - (b) where the person who is primarily liable is a corporation, and the corporation fails or is unable to pay the wages, by the directors of the corporation, and the liability of the directors for the payment is joint and several.

### Wage Recovery

#### Northwest Territories

56. If the justice is satisfied that the cause of complaint has been established, he shall order the employer to pay to the employee the amount of wages found to be due to him and may release the employee from his engagement if the term of his employment has not expired.
57. The amount ordered to be paid pursuant to this section shall not exceed six months' wages or six thousand dollars, whichever is the lesser, exclusion of the costs of prosecution.
58. In the case of an improper dismissal the justice may order the payment of up to 1000 dollars.
59. Any amount ordered to be paid pursuant to this section shall not exceed the amount, if any, by which six thousand dollars exceeds the amount ordered to be paid pursuant to section 8, exclusive of the costs of prosecution.
60. Where a justice in examining into a complaint for improper dismissal is satisfied that
  - (a) the employee was dismissed from the employment of the employer for good and sufficient cause, and
  - (b) wages are due to the employee he may order the employer to pay to the employee the amount of the wages found to be due, not exceeding six months' wages or six thousand dollars, whichever is the lesser, together with the costs of prosecution.
61. Where an order of a justice releases an employee from his engagement or orders the payment of not less than two hundred dollars exclusive of costs, an appeal lies to a judge of the court.
62. An appeal shall operate as a stay of proceedings only in respect of the amount by which the award exceeds one thousand dollars.

### Special Leave

#### Nova Scotia: Civil Servants

63. The Commission shall, upon the request of a female employee and receipt of a certificate from the Administrator of Family and Child Welfare stating that the said employee has filed a notice of proposed adoption under the Adoption Act of a child five years of age or younger grant the employee a leave of absence without pay for the week in which the adoptive child comes into full care of the employee and such additional weeks, up to four, as the employee requests.

Minimum Wages

British Columbia

64. Administrative amendments brought forth the following in B.C.:

Section 5(1) The Lieutenant-Governor in Council may make regulations establishing minimum wages and overtime rates of pay for employees or classes of employees in such manner and applicable to such employees or group or classes of employees, in such manner and applicable to them, and in such areas as the Lieutenant-Governor in Council considers advisable.

(2) The Board shall, at least once each year, review minimum wages and overtime rates of pay and report to the Lieutenant-Governor in Council its recommendations respecting revision of the minimum wages and overtime rates of pay established under section (1).

6. The Board may, after holding such inquiries as it considers adequate, make orders establishing conditions of labour and employment, in such manner and applicable to such employees or group or class of employees, and in such areas as the Board considers advisable.

7. In the case of an employee classified by the Board as handicapped, as a part-time employee, or as an apprentice, the Board may, notwithstanding a regulation under section 5, authorize in writing the payment of a wage or overtime rate of pay less than the minimum wage or overtime rate of pay established under section 5 and may limit and define the number of handicapped, part-time, or apprenticed employees to whom the lesser wage or overtime rate of pay fixed under this section is applicable.

Newfoundland

65. A new Schedule of Wages and Hours and Days of Labour formulated pursuant to the Industrial Standards Act for the Painting and Decorating Industry established wages varying between \$6.57 for glazers and \$7.17 for designated charge hands.

66. A new Schedule of Wages and Hours and Days of Labour formulated pursuant to the Industrial Standards Act for the Carpentry Industry set wages at \$8 per hour for carpenters and sawfilers, with premiums of .25 per hour for lead hands and .45 per hour for foremen.

Quebec

67. Under the Construction Industry Labour Relations Act wages will vary from \$9.69 on December 6, 1976, \$10.97 on May 1, 1977 and \$12.17 on May 1, 1978 for an elevator mechanic to \$6.16, \$6.45 and \$6.79 on respective dates for a storeman.
68. Ordinance No. 4 has been twice amended to provide wages of \$3.15 on July 1, 1977 and \$3.27 on January 1, 1978 for adult workers and \$2.95 and \$3.07 for employees under 18 on the same dates.
69. Ordinance No. 9 was amended as follows;
- (a) wood cutters paid on a piece-work basis are entitled for each working day of a calendar month to an average rate of \$33.10 per day;
  - (b) other helpers hired on a contract basis, cook, kitchen-helpers, fire rangers: \$28.50 per day;
  - (c) watchmen: \$26.50 per day;
  - (d) other employees: \$3.15 per hour.
70. Ordinance No. 10 was amended July 1, 1977.
- (a) employees less than 18 years of age: \$2.95 per hour;
  - (b) cooks, kitchen-helpers, watchmen: \$26.95 per day;
  - (c) other employees: \$3.15 per hour.
71. Ordinance No. 13 was amended effective July 1, 1977 with salaries to vary between \$3.15 for a watchman to \$4.92 for a carpenter.
72. Ordinance No. 14 was amended effective July 1, 1977 to provide in Region I, wage varying between \$2.95 for an employer under 18 to \$3.72 for a butcher and in Region II, \$2.95 for an employee under 18 to \$3.33 for a butcher.

Saskatchewan

73. A two-step amendment raises the minimum wage to \$3.15 on January 31, 1978 and to \$3.25 on June 30, 1978.
74. General Hourly Minimum Wage Rates for Adults and Young Workers (as of December 31, 1977).

1. Federal

Effective April 1, 1976

Employees 17 and over	\$2.90
Employees under 17	\$2.65



2. Alberta

Effective March 1, 1977

Employees 18 and over	\$3.00
Employees under 18	\$2.85
Students under 18 employed on a part-time basis	\$2.50

3. British Columbia

Effective June 1, 1976

Employees 18 and over	\$3.00
Employees 17 and under	\$2.60

4. Manitoba

Effective September 1, 1976

Employees 18 and over	\$2.95
Employees under 18	\$2.70

5. New Brunswick

Effective November 1, 1976

General Rates	\$2.80
---------------	--------

6. Newfoundland

Effective January 1, 1976

Employees over 16	\$2.50
-------------------	--------

7. Nova Scotia

Effective January 1, 1977

Employees 18 and over	\$2.75
Underage employees 14-18	\$2.50
Inexperienced employees	\$2.50

8. Ontario

Effective March 15, 1976

General rates	\$2.65
Learners (1st month of employment)	\$2.55
Students under 18, employed less than 28 hours per week or during a school holiday	\$2.15

9. Prince Edward Island

Effective July 1, 1976

Employees 18 and over	\$2.50
Employees under 18	\$2.20

Effective July 1, 1977

Employees 18 and over	\$2.70
Employees under 18	\$2.35

10. Québec

Effective January 1, 1977

Employees 18 and over	\$3.00
Employees under 18	\$2.80

Effective July 1, 1977

Employees 18 and over	\$3.15
Employees under 18	\$2.95

Effective January 1, 1978

Employees 18 and over	\$3.27
Employees under 18	\$3.07

11. Saskatchewan

Effective January 1, 1977

General rates	\$3.00
---------------	--------

Effective January 31, 1978

General rates	\$3.15
---------------	--------

Effective June 30, 1978

General rates	\$3.25
---------------	--------

12. Northwest Territories

Effective June 7, 1976

Employees 17 and over	\$3.00
Employees under 17	\$2.55

13. Yukon Territoty

Effective April 1, 1976

General rates	\$3.00
---------------	--------

### III. HUMAN RIGHTS

75. On July 14, 1977, Royal Assent was given to the Canadian Human Rights Act.
76. The Act comprises a preamble, five parts and an appendix.
77. The preamble sets out the purpose of the act; i.e., to ensure that every person should have equal opportunity with others to make a life without being hindered by discriminatory practices, and to protect the privacy of individuals and their right of access to records containing personal information concerning them.
78. Part one outlines prohibited forms of discrimination. For all purposes of the Act, race, national or ethnic origin, colour, religion, age, sex, marital status, conviction for which a pardon has been granted, and, in matters related to employment, physical handicap, are prohibited grounds of discrimination.
79. The practices in which the above grounds of discrimination are prohibited are as follows:
  - to deny or to adversely differentiate in relation to any individual in the provision of goods, services, facilities or accommodation customarily available to the general public;
  - to deny or to adversely differentiate in relation to any individual in the provision of commercial premises or residential accommodation;
  - to refuse to employ or continue to employ an individual or, in the course of employment, to differentiate adversely in relation to an employee;
  - to use or circulate any form of application for employment, or in connection with employment or prospective employment to publish any advertisement or to make any written or oral inquiry that expresses or implies any limitation, specification or preferences;
  - to exclude an individual from full membership or to expel or suspend a member of, an employee organization or to limit, segregate, classify, etc., so that an employee would be deprived, limited in employment opportunities or otherwise adversely affected;

(It is, however, not a discriminatory practice to exclude, suspend or expel an individual from membership in an employee organization when he or she has reached normal retirement age for individuals working in positions similar to the position of that individual).

- for an employer an employee organization to have policies, practices, programs or to enter an agreement affecting recruitment, referral, hiring, promotion, training, apprenticeship, transfer or any other matter relating to employment or prospective employment that deprives or tends to deprive an individual or class of individuals of any employment opportunities;
  - to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value;
  - to publish or display before the public or to cause to be published or displayed before the public any notice, sign, symbol, emblem or other representation that expresses or implies discrimination or an intention to discriminate or incites or is calculated to incite others to discriminate in the proscribed practices as outlined above.
80. Part two of the Act establishes the Canadian Human Rights Commission, consisting of a Chief Commissioner, a Deputy Commissioner and between three and six other members, to be appointed by the Governor in Council.
81. The Chief and Deputy are full-time members of the Commission and the others may be full-time or part-time members.
82. Full-time members may be appointed for a term not exceeding seven years and part-time members for a term not exceeding three years. Reappointment is provided for.
83. Besides its duty with respect to complaints regarding discriminatory practices and administration of parts one, two and three of the Act, the Commission must foster public awareness of the Act, sponsor programs to promote the principles described in the preamble, maintain close liaison with relevant provincial bodies and authorities, carry out studies, review statutory instruments, promote improvement in access to goods, services, facilities and accommodation for handicapped persons, etc.
84. Succeeding sections outline such matters as assignment of duties, interdelegation of duties between the federal and provincial bodies and authorities, duties, powers, etc. of officers and staff, rules of disclosure, and other administrative matters.
85. Part Three deals with discriminatory practices and general provisions.
86. Any individual or group can, on reasonable grounds, file a complaint of alleged violations of the Act with the Commission.
87. The Commission may refuse to deal with a third party complaint unless the alleged victim consents.

88. The Commission itself may also initiate complaints. It may also deal with multiple complaints together, whether they are jointly or separately filed, where it judges them to be substantially the same in fact or in law, and may appoint a single Human Rights Tribunal to deal with such complaints.
89. The Act specifies that other appropriate avenues of redress should be sought before the Commission will deal with a complaint.
90. The Commission may designate an investigator to deal with a complaint. The investigator is authorized to investigate a complaint in accordance with regulations made under the Act. In general, however, the investigator may enter any premises other than a private dwelling place and carry out such inquiries as are reasonably necessary for the investigation of the complaint. Such entry must be made at a reasonable time and would be subject to rules in the interest of national security. Any individual found in the premises entered into may be required to produce relevant books, records, etc. for inspection or copy.
91. The investigator must, as soon as possible, submit a report of the findings of the investigation to the Commission.
92. The Commission may adopt or reject the report.
93. The Commission may appoint a conciliator in order to bring about a settlement of the complaint.
94. A person is not eligible to act as a conciliator if that person has already acted as an investigator in respect of the same complaint.
95. Provision is made for a Human Rights Tribunal to conduct an inquiry into a complaint.
96. At any stage after the filing of a complaint and a hearing of a Tribunal, any settlement reached may be submitted to the Commission for approval or rejection.
97. A Human Rights Tribunal may consist of not more than three members, who are to be picked from a panel of prospective members.
98. No member, officer or employee of the Commission and no one who has acted as investigator in a complaint for which a Tribunal is appointed is eligible to be appointed to the Tribunal.
99. The Tribunal shall, after giving due notice to the Commission and all interested parties, hear evidence relevant to the complaint.
100. The Tribunal has the power to summon and enforce the attendance of witnesses and compel them to give evidence. It can also administer oaths and accept other evidence through affidavit or otherwise, as it sees fit.



101. A conciliator appointed to settle a complaint is not a competent or compellable witness at a Tribunal hearing into that complaint.
102. Hearings must be public, except that the Tribunal may exclude members of the public during the whole or part of a hearing if it considers such exclusion to be in the public interest.
103. The Tribunal can dismiss a complaint if it has not been substantiated, or it can, where the complaint has been substantiated, make an order against the offender.
104. Orders can include ceasing a discriminatory practice, measures to prevent future discrimination, making available appropriate rights, opportunities or privileges, compensation for lost wages and expenses, as well as for additional costs of alternative goods, services, facilities or accommodation that the victim incurred as a result of the discriminatory practice.
105. Also, special compensation of up to five thousand dollars can be awarded for the victim's having suffered in respect to feelings or self-respect.
106. Separate orders can also be made where a discrimination based on physical handicap impeded access to premises or facilities.
107. Telephone hate messages are prohibited by the Act. In a case where such a practice is substantiated, the Tribunal may order the practices cease and order the adoption of special measures or programs to prevent future instances of the practice.
108. Where a Tribunal consisted of fewer than three members, appeal from the Tribunal's decision can be made to a Review Tribunal by the complainant, the person against whom the complaint was made, or the Commission within thirty days after the Tribunal's decision or order was pronounced.
109. A Review Tribunal must consist of three members, to be selected from the panel of candidates. None of the members of the Review Tribunal can be one of the members of the original Tribunal.
110. Appeal to the Review Tribunal lies from a Tribunal decision or order on any question of law or fact or mixed law and fact.
111. The Review Tribunal may either dismiss the appeal or allow it, rendering an appropriate order.
112. Any order of a Tribunal or Review Tribunal may be made on order of the Federal Court of Canada and is enforceable in the same manner as an order of that Court.
113. The Act protects any complainant or participant in the initiation of a complaint or prosecution from intimidation or discrimination.

114. Fines of up to fifty thousand dollars for an employer, employer association or an employee association and up to five thousand dollars in any other case are provided for contravention of provisions of the Act.
115. Prosecutions may be brought against an employer association or employee association with the consent of the Attorney General of Canada.
116. No superannuation or pension fund or plan established by an Act of Parliament is affected by Parts One and Two of the Act before an allowing section comes into force.
117. The Act applies to members of the Canadian Forces and the Royal Canadian Mounted Police.
118. Part Four of the Act deals with protection of personal information. The provisions apply to all federal information banks (i.e., collections or grouping of personal information recorded in any form, that is within the control of a government institution and that has been collected from an individual or individuals or a corporation or institution).
119. Individuals are entitled to ascertain the uses to which information in government information banks is being put.
120. Records may be examined by individuals and corrections and notations may be requested.
121. Consultation and consent are provided for where information is to be put to a non-derivative use (i.e., a use not originally intended).
122. Exemption from access to information is possible in particular cases where in the opinion of the appropriate Minister and with the approval of the Governor in Council an order should be given because of matters involving international relations, national defence or security, federal-provincial relations, an investigative body, crime detection or suppression, or investigations of offences against any Act of Parliament.
123. Exemptions from access to certain types of information by an appropriate Minister are also provided for. These include the above, plus other matters related to the administration of justice.
124. An appropriate Minister in control of a federal information bank may order that certain records not be made available for inspection, amendment, notation, etc. But where the order has been in effect for two years, such records affected by the order must not be used for administrative purposes.
125. A designated Minister shall coordinate federal information banks to ensure compliance with Part Four and any regulations made under it. This duty includes elimination of unnecessary information banks.

126. A member of the Human Rights Commission is to be designated as Privacy Commissioner.
127. The Privacy Commissioner must receive and investigate complaints from persons who allege that they are not being afforded their rights under Part Four.
128. These investigations must be conducted in private. Any person or government institution which may be adversely affected by the Privacy Commissioner's findings must, however, be given an opportunity to answer.
129. The Privacy Commissioner has, for the purpose of investigating complaints, the powers of a Human Rights Tribunal.
130. Where a complaint is substantiated, the Privacy Commissioner must report to the appropriate Minister his findings and recommendations, and may request a report of plans to rectify the situation, or reasons why a situation has not been rectified.
131. The Privacy Commissioner must also report to the complainant.
132. An annual report by the Privacy Commissioner must be made to Parliament. Studies must also be carried out by the Commissioner regarding the fulfillment of the provisions of Part Four.
133. Part Five of the Act contains general provisions. Among them are the declaration that the Act is binding on Her Majesty in right of Canada, and that nothing in the Act affects any provision of the Indian Act or any provision made under or pursuant to the Indian Act.
134. The Act repeals Part One of the Canada Labour Code, (Fair Employment Practices) and replaces section 38.1 (in Part three of the Canada Labour Code) which contains equal pay provisions.
135. The Act also amends the Unemployment Insurance Act, 1971, to proscribe discrimination (including political affiliation), but makes allowance for special programs designed to assist members of identifiable groups where disadvantages are or would be based on or related to race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap.
136. The appendix to the Act lists all government departments and institutions affected by Part Four of the Act.
137. On August 30, 1977, the Government of British Columbia passed Bill 63, The Ombudsman Act.
138. The Act establishes the office of Ombudsman for British Columbia.
139. Appointment is made by the Lieutenant-Governor on recommendation of the Legislature. This would follow upon unanimous recommendation by a special committee of the Legislative Assembly.

140. Appointment is for a term of six years, with the possibility of reappointment for further six-year terms.
141. Suspension or removal of the ombudsman for office can be effected by the Lieutenant-Governor on the recommendation of the legislative assembly.
142. Provision is made for the appointment of an acting ombudsman by the Lieutenant-Governor.
143. The ombudsman is empowered to investigate decisions or recommendations, acts done or omitted, or procedure used by governments (provincial and municipal) and agencies listed in the schedule attached to the Act.
144. Upon complaint or by his or her own initiative, the ombudsman has the power to investigate as (s)he sees appropriate, and to obtain pertinent information and conduct hearings.
145. No report which would adversely affect an authority or person can be made without the authority or person being given the opportunity to make representations.
146. The Act does not give the Ombudsman power to reverse or vary a decision of an authority, but only to recommend to the authority that it change its procedures to give more efficient or fair service to the public.
147. The ombudsman is obliged to report annually to the Legislature, and would be empowered to publicize his findings.
148. On June 17, 1977, Manitoba added "physical handicap" to the prohibited grounds for discrimination.
149. Advertising, provision of services, accommodation and facilities, purchase of property, contracts ordinarily made available to the public, and employment and employment-related areas are subject to the new provisions.
150. Quebec passed Bill 88, An Act to Amend the Charter of Human Rights and Freedoms on December 15, 1977, to add "sexual orientation" to the list of grounds upon which discrimination is prohibited.
151. Ontario gave first reading to Bill 129, The Discriminatory Business Practices Act.
152. The purpose of the bill is to prevent discrimination in the business community on the basis of race, creed, colour, nationality, ancestry, place of origin or geographical location.
153. Provision is made for orders for compliance, assurances of voluntary compliance and enforcement of orders and assurances.



154. The right, enforceable by action in court, is also given to compensation for loss or damage and to punitive or exemplary damages incurred as the result of a breach of the Act.
155. Contravention of the Act would disqualify a person from entering into a contract to provide goods or services to the Crown or an agency of the Crown.
156. Provision is made for obtaining an order of the Supreme Court prohibiting the continuation or repetition of a contravention of the Act.
157. On November 10, 1977, the Blind Persons' Guide Dog Act was passed in Alberta.
158. The Act prohibits discrimination against blind persons accompanied by a guide dog, in the provision or conditions of provision of accommodation, services or facilities available to the public.
159. Specifically prohibited also is discrimination in the provision of, or term or condition of occupancy, of any self-contained dwelling unit by reason only that a person is blind and customarily accompanied by a guide dog.
160. Provision is made for voluntary use of a special card to identify the person and his guide dog.
161. Fines of up to 1000 dollars are provided for people who discriminate, and fines of up to 100 dollars are provided for people who purport to be a blind person for the purpose of claiming benefits of the Act.

#### IV. INDUSTRIAL RELATIONS

##### A. General

162. Since June 1, 1977, legislation affecting labour relations has been amended in Alberta, British Columbia, Newfoundland, Québec and the federal jurisdiction.
163. The Alberta Labour Amendment Act, 1977, which came into force November 10, 1977, included the following changes:

##### Labour Relations

164. The "Director of Conciliation and Mediation Services" means the person appointed pursuant to The Public Service Act as the Director of Conciliation and Mediation Services.

##### Trade Unions

165. An amendment opens to public inspection the constitution and by-laws of trade unions if such inspection is necessary for a proceeding.

##### Registered Employers' Organizations

166. The constitution and by-laws of employers' organizations may also be inspected by members of the public if necessary for a proceeding.

##### Collective Bargaining

##### Unregistered Employers' Organizations

167. A modification provides that when an employers' organization that is not registered receives a notice to commence collective bargaining, it must, within 10 days after the day on which it receives the notice serve on the bargaining agent the same lists and authorizations that it is required to produce when it serves notice:
- . a list of the names and addresses of the employers on whose behalf the employers' organization is authorized to bargain collectively;
  - . a copy of each authorization given by the employers; and
  - . a list of the names and addresses of the persons designated as its bargaining committee.
168. A copy of these lists and authorizations must be filed with the Director of Conciliation and Mediation Services.



169. Upon service of the lists and authorizations the employers' organization shall be deemed to be bargaining collectively for all the employers named, who gave their authorization. An employer may be added to the list if the bargaining agent and the employers' organization agree and the authorization of the employer is served before a conciliation commissioner, if any, is appointed.

#### Province Wide Collective Bargaining

170. A new section added to the Act allows for registered employers' organizations or trade unions to serve notice to bargain collectively and matters arising from the notice shall be dealt with and disputes may be settled as between one trade union and one employers' organization where the trade unions have a common trade jurisdiction and a territorial jurisdiction which, when combined, extends to all of Alberta. The notice cannot be revoked or amended by agreement or otherwise by any of the parties named in it until a collective agreement is entered into or where a trade union is entitled to make a settlement with an individual employer 60 days after the commencement of a strike or lockout.

#### Effect of a Collective Agreement

##### Filing

171. Each of the parties to a collective agreement must upon its execution forthwith file one copy with the Director of Conciliation and Mediation Services (previously with the Board of Industrial Relations).

##### Compulsory Arbitration

172. The amendment changes the model clauses for provisions that have to be contained in all collective agreements for final settlement of differences between the parties.
173. If a collective agreement does not contain suitable provisions it is deemed to contain those spelled out in the Act. The parties must meet and endeavour to resolve the difference and if they are not successful either party may notify the other in writing of its desire to submit the difference to arbitration.
174. Previously an arbitration board had to be set up. The new requirement is for a single arbitrator chosen from a list supplied with the notice. If unable to agree, either party may request the Minister of Labour to appoint a single arbitrator.
175. The arbitrator may, during the arbitration, proceed in the absence of any party or person who, after notice, fails to attend or fails to obtain an adjournment.

### Refusal to Bargain

176. A new requirement obliges the parties, having been served notice, to meet and commence to bargain collectively in good faith or make every reasonable effort to enter into a collective agreement.

### Board's Inquiry and Decision

177. Where the Board is satisfied after an inquiry that any of the parties is failing to comply with the obligation to bargain, etc., the Board shall issue such directives as it considers necessary to ensure that the parties start or continue bargaining in good faith. The directive may be filed in the Supreme Court.

### Failure to Bargain Collectively

178. Under "Offences and Penalties", the \$1,000 a day fine for refusal or failure to bargain collectively when required is repealed.
179. Some significant amendments to the British Columbia Labour Code follow; they came into effect September 27.

### Definitions

180. "Employee" is redefined - the police and certain dependent contractors are still included, but the exclusions are spelled out more definitely; a person who, in the opinion of the board:
- . is employed to exercise the functions, and does exercise the functions of a manager or superintendent in the direction or control of employees, or
  - . is employed in a confidential planning or advisory position in the development of management policy for the employer, or
  - . is employed in a confidential capacity in matters relating to labour relations or personnel.
181. A teacher as defined in the Public School Act continues to be excluded.

### Unfair Labour Practices

#### Union Dues

182. No employer shall refuse to agree with a trade-union, certified as the bargaining agent for his employees who have been engaged in collective bargaining with a view to concluding their first collective agreement, that all employees in the unit, including those who may not be members of the trade union, but excluding those exempted on religious grounds, will pay union dues from time to time to the trade union.

### Limitation on Activities of Trade Unions

183. The conditions imposed on the employer not to alter terms or conditions of employment for a period of 30 days after a union has applied for certification for a bargaining unit of employees has been dropped, and in addition the employer is no longer required to supply the trade-union with a list of names, addresses and telephone numbers of the employees in the intended unit.
184. The employer is now free to communicate to an employee a statement of fact or opinion reasonably held with respect to the employers' business.

### Labour Relations Board

#### Objects and Policy

185. The objects and policy of the Board are re-stated for clarity and to emphasise its public interest concern.

#### Application for Certification

186. The amendment raises to 45% (from 35%) members in good standing required for a certification application, and the frequency of applications for certification is limited.

#### Representation Vote

187. Where, in respect of an application for certification, the Board is satisfied that not less than 45% (was 35%) and more than 55% (was 50%) are members in good standing, the Board shall direct that a representation vote be taken.

#### Request for Representation Vote

188. The amendment raises from 35% to 45% the membership requirement where a trade union requests that a representation vote be taken.

#### Certification

189. Automatic certification was previously based on a simple majority, the new requirement is for more than 55% of the employees in the unit to be members in good standing of the trade-union.
190. However, where a representation vote is taken and less than 55% of eligible employees cast ballots, the Board may direct that another representation vote be taken, in which case a majority of employees in the unit who cast ballots and who vote to elect the trade union determines certification.

#### Pre-strike and Lockout Notice

191. The Board is authorized to extend the 72-hour notice where a longer period is required for the protection of perishable property or life, health or property.

192. "Perishable Property" includes goods, commodities or property which are imminently subject to spoilage or may imminently become dangerous to life, health or to other goods, commodities or property.
193. For the protection of perishable property, life, health or property, the Board may, on application or on its own motion, direct a trade-union or an employer to give more than 72 hours' notice of a strike or lockout and may prescribe the length of the written notice required and such terms as it considers necessary or advisable.
194. Also in British Columbia the Miscellaneous Statutes Amendment Act, 1977 added Sec. 80A to the Labour Code, effective September 27; it removes the application of the Code to the relationship of employer and employee between a university and its faculty members.
195. In Newfoundland, Bill 75, 1976 has been replaced by Bill 62, The Labour Relations Act, 1977, with some changes including the following:

Labour Relations Board

196. The Labour Relations Board is empowered to employ or retain with the approval of the Minister of Justice, such full-time or part-time solicitors as may be necessary to enable the Board to carry out its functions.

Religious Exemptions

197. Where an employee satisfies the Board that his religious beliefs make him opposed to joining or belonging to a trade union, the Board may by order exempt him from compliance with the provision in the collective agreement that requires membership in a specified union.
198. Check-off of an amount equivalent to the union dues is required, payable to the union and must not be revoked without Board consent. For the purpose of any strike vote and conditions applicable to the bargaining agent and units, such an employee is deemed not to be an employee.

Arbitration - Construction Industry

199. As before, the parties to a dispute that is not settled on the day on which it arises must agree by midnight of that day upon the appointment of a single arbitrator. An added condition allows the parties to invoke the collective agreement grievance procedure instead.
200. If the parties fail to comply with these procedures the Minister shall (was "may") as soon as possible thereafter, appoint an arbitrator.
201. If the parties fail to settle the difference by these means, they may proceed to settlement by way of an arbitration board.



### Enforcement

202. New sections lay down detailed procedures for making complaints to the Board and how directives of the Board regarding complaints may be applied.
203. Failure of any person, employee, employer, employers' organization, trade union or council of trade unions to comply with an order of the Board (enforceable as a judgement or order of the Supreme Court) or a directive of the Board is an offence. Liability in the case of a corporation, trade union, council of trade unions or employers' organization is to a fine not exceeding five thousand dollars (previous limit one thousand - the general penalty reduces to five hundred dollars from one thousand) and in the case of an individual, five hundred dollars.

### Trade Unions Generally

204. A new part is inserted into the (proposed) Act dealing with trade union matters.

### Status of Union and Provincial Address, etc.

205. Each trade union and each council of trade unions is a legal entity for the purposes of prosecuting and being prosecuted, for the purpose of suing and being sued.
206. A trade union must maintain an address in the province to which correspondence may be addressed and notices served. The Minister must be informed of it and any change in writing.
207. Rules for the service of summonses, notices or other documents are laid down as well as requirements for the filing of the union constitution and list of officers of the union, branches, and locals.

### Financial Statements

208. The union must furnish a member on request, without charge and without delay, a copy of the audited financial statement for the previous year.
209. In Québec, Chapter VI of the Chapter of the French Language which received sanction August 26, 1977, deals with:

### The Language of Labour Relations

French is the official language of Québec.

- All the employers' written communications to his staff must be in French.
- Collective agreements and schedules to them must be drafted in French for filing pursuant to section 60 of the Code.



- Only the duly authenticated French version of an arbitration award settling a grievance or dispute regarding the negotiation, renewal or review of a collective labour agreement is official; this rule also applies to decisions rendered under the Labour Code by investigators, investigation-commissioners and the Labour Court.
- An employer is prohibited from dismissing or demoting a member of his staff for the sole reason that he is exclusively French-speaking or that he has insufficient knowledge of a particular language other than French. Contravention of this provision, in addition to being an offence against this Act, gives an employee the same entitlement to vindicate his rights through an investigation-commissioner appointed under the Labour Code as if he were dismissed for union activities. The provisions (Sections 14-19) of the Labour Code concerning re-instatement of a dismissed employee then apply.
- Employers are prohibited from making acquisition of employment or position dependent upon knowledge of a language other than French unless the nature of the duties requires the knowledge of that other language.
- Burden of proof that knowledge of the other language is necessary is on the employer, at the demand of the person or association of employees concerned or, as the case may be, the Office de la langue française, which has the power to decide any dispute.
- Except as they regard the vested rights of employees and their associations, juridical acts, decisions and other documents in a language other than French are null. However, the use of a language other than French is not to be considered a "defect of form" within the meaning of Section 134 of the Labour Code.
- Employees' associations must use French in written communications with members. The use of the language of an individual member is permitted in correspondence with him.
- All these provisions are deemed to be an integral part of every collective agreement and any agreement provision to the contrary is void.

210. Also in Québec, the controversial Bill No. 45 proposing extensive amendments to the Labour Code received sanction December 22, 1977.

211. Following are the major changes proposed:

### Interpretation

212. "Chief investigation commissioner" and "investigation commissioner" are replaced by "labour commissioner-general" and "labour commissioner" respectively.

### Reinstatement of Employee Wrongfully Dismissed

#### Indemnity

213. The labour commissioner-general may exercise on behalf of the employee the recourse arising from the labour commissioner's decision, if the employee fails to do so within twenty-four days.
214. Upon expiry of the delay for appeal or, if there has been appeal, upon the expiry of 15 days following the Court's decision, presentation by the employee of a true copy of the decision to the protonotary of the Superior Court of the district of the employer concerned, confers the same force and effect as a judgement of the Superior Court.
215. Refusal to comply with an order contained in the decision is an offence, which may be prosecuted under the Civil Code, and upon conviction subject to a fine not exceeding \$50,000 with or without imprisonment of not over a year.

### Constitution and By-laws

216. The constitution and by-laws of an association of employees must provide that a person cannot be elected to an executive position, nor a strike, the acceptance or refusal of a draft collective agreement, or a return to work decided upon, except by a secret ballot decided by the majority vote of the members voting.

### Strike Vote

217. If the association is authorized to declare a strike it must advise the Minister within forty-eight hours following the ballot.
218. The association must notify its members not less than forty-eight hours before holding the ballot.

### Certification

219. Among expanded technical provisions that are aimed at improving certification procedures, the amendments enable an employee association having 35% of the employees in the proposed bargaining unit as members in good standing to hold a representation vote; an absolute majority of those voting and not of the members is required.

### Union Dues

220. The employer must withhold from the salary of any employee, whether a union member or not, the amount of the union dues required for remittance to the certified association.

#### Financial Statements

221. A certified association must divulge each year to its members true financial statements of its affairs and must provide a copy to any member on demand.

#### Fair Representation

222. A certified association must not be seriously negligent nor act in bad faith or in an arbitrary or discriminatory manner with employees in a bargaining unit that it represents, whether they are members or not, in all matters relating to the negotiation, interpretation or application of the collective agreement.

#### Complaints

223. If an employee has been disciplined due to the accredited association's improper representation, he may lodge a written complaint with the Minister within six months and the Minister will name an investigator who will attempt to find a satisfactory settlement.

#### Tribunal Consideration of Complaint

224. If no adjustment is made within fifteen days after the investigator has been nominated, the employee may make a request to the tribunal within the following fifteen days that the complaint be submitted to arbitration.

#### Arbitration of Complaint

225. If the tribunal decides that the association has violated the representation provision, it orders that the complaint be arbitrated in the manner provided by the collective agreement; or if not, referred to an arbitration officer chosen by the parties or, failing agreement, appointed by the Minister. The arbitration is final and binding. The tribunal may make such other order that it deems necessary in the circumstances.

#### Waiver of Procedure

226. In the case of these provisions, the employer must not appose the non-respect by the association of the procedure and the time limits provided in the collective agreement for the settlement of grievances.

#### Collective Agreements

227. The notice to bargain must now be given within 90 days (previously 60) preceding the expiration of the agreement or the arbitration award made in lieu of a collective agreement.
228. An employer must not be required by a provision of the collective agreement to dismiss an employee for the sole reason that the accredited association has refused, deferred, suspended, or excluded the employee from membership, except if the employee has been engaged

contrary to a provision in the collective agreement, or if, at the investigation or with the direct or indirect help of the employer or a person acting on behalf of the latter, the employee has participated in an activity against the association or for a rival association.

#### Filing of Copies of Agreement

229. A collective agreement does not take effect until five true copies are filed with the registrar of the office of the Commissioner General of Labour, together with a true copy of its schedules.
230. The same applies to any amendment subsequently made to such collective agreement.
231. Filing makes the effective date of the collective agreement retroactive to the date provided in it or, if not provided, on the date of signing.
232. As before, failure to file within sixty days of the signing gives any other association the right to certification provided that it applies after expiry of the sixty days and before such filing and provided that certification is subsequently granted.

#### First Collective Agreement

233. The Minister of Labour and Manpower is empowered to entrust a council of arbitration with determining the content of a first collective agreement when conciliation has been unsuccessful and a strike or lockout cannot be settled within a reasonable delay.
234. In determining the content of the first collective agreement, the council of arbitration must take into account, among other things, working conditions which prevail in similar enterprises or in similar circumstances.
235. The parties may, at any time, agree on any questions in dispute; the agreement becomes part of the arbitration decision and may not be changed.
236. The arbitration award binds the parties for at least a year and for a maximum of two years commencing on the date of filing. The parties may, however, agree to modify the contents in part or in whole.

#### Arbitration of Grievances

237. A set of new detailed rules governing the arbitration of grievances is inserted into the Act.

#### Strike and Lockout

238. An employer is prohibited from utilizing the services of a person to discharge the duties of an employee who is on strike or locked out when such person was hired between the day notice to bargain was given or is deemed to have been given, and the end of the strike or lockout.



- 239. An employer is prohibited, with certain exemptions, from utilizing the services of employees who are members of a bargaining unit on strike or locked out.
- 240. However, these provisions do not apply where there is serious risk of destruction or deterioration of property of the employer.
- 241. Upon application the Minister may dispatch an investigator to ascertain if these conditions are being complied with and make a report to him.
- 242. An employee who has been on strike or locked out is granted the right to recover his employment by priority over any other person at the end of the strike or lockout, unless the employer has just and sufficient reason, for which he must show proof.
- 243. The Federal Bill C-7 - An Act to Amend the Corporations and Labour Unions Returns Act was introduced October 26, 1977. Most of the amendments relate to corporations, general and technical matters.
- 244. Among changes relating to labour unions are the following:

#### Definitions

The definition of "union" is broadened and clarified, as an "organization of employees that has as one of its purposes the regulation of relations between employers and employees and that has a constitution setting out its objectives and its conditions for membership".

#### Application of Part II

- 245. Part II applies to every labour union carrying on activities as such in Canada, with a hundred or more members resident in Canada. Independent local unions are now brought within the scope of the Act.

#### Returns to be Filed with the Chief Statistician

- 246. The amendment reduces from six months to ninety days the period of time after the end of a reporting period within which a union must file a return.
- 247. Additional information required in the return is the number of members (male and female) of any local union or branch and the total number of employees covered by the agreement.
- 248. Unions must file a separate financial statement for each special fund of the union.
- 249. International unions operating in Canada must report separately expenditures directly related to their operations in Canada.
- 250. Provision is made for a union to file a statement showing all expenditures made by it, even indirectly, for the benefit of members resident in Canada that were not reported elsewhere.



Where a Union Ceases to Exist

251. A union must file returns required under Section 10 of the Act not less than thirty days after the last day of the reporting period during which it ceases to exist.

Auditor's Report

252. Union financial statements must be accompanied by an auditor's report.

Information Available for Inspection

253. An amendment provides that information contained in returns filed under the Act be made available to the Minister of Consumer and Corporate Affairs or the Minister of Labour, as the case may be, rather than requiring that duplicates of the returns be kept at the Departments of those Ministers.

Information Available to Governments

254. The Chief Statistician is authorized to provide free of charge any information obtained from returns filed by unions to any department or agency of the Government of Canada or the government of any province, and any such department or agency may publish any information so provided.
255. Amendments to the Canada Labour Code proposed in Bill C-8 were sent to Committee after Second Reading December 14, 1977.
256. Following are some significant changes and additions to Part V of the Code - Industrial Relations.

Definitions

257. "arbitrator" means a sole arbitrator selected by the parties to a collective agreement or appointed by the Minister under this Part.

Canada Labour Relations Board

Composition and Operation

258. The Governor in Council is empowered to add up to four additional Vice-Chairmen to the Board, and the office of Secretary is removed.

Powers and Duties

259. The Board is empowered to regulate the criteria for determining whether an employee is a member of a trade union.

Powers of Board

260. The Board is authorized to order a representation vote whenever such action would assist it to dispose of a question that has arisen or is likely to arise in any proceeding before the Board and to order that the ballots cast be sealed in ballot boxes and not counted except as the Board directs.

Determination of the Wishes of the Board

261. Where the Board is required, in connection with any application, to determine the wishes of the majority of employees in a unit, that determination shall be made as of the date the application is made or as such other date considered appropriate by the Board.

Interim Decision

262. Where an application raises two or more issues, the Board may give a final decision with respect to some, and reserve its jurisdiction with respect to the remaining issues.

Decision Final

263. The Board decision (which includes an order, determination and declaration), except as the Board stipulates, is final.

Filing of Board's Orders in Federal Court

264. The Board, on request in writing by the person or organization affected by its order or decision, shall file such decision in the Federal Court of Canada.

Acquisition and Termination of Bargaining Rights

Terms or Conditions of Employment not to be Changed

265. An employer is prohibited from changing the terms or conditions of employment while an application for certification is pending and within thirty days after the trade union has been certified as bargaining agent, except pursuant to a collective agreement or with the Board's consent.

Representation Vote

Determination of Union Membership

266. The Board may determine that a person is a member of a trade union even though the person has been admitted to membership without regard to the eligibility requirements.

Conduct of Vote

267. The amendment deletes the provisions for a run-off vote.

Bargaining Agent to Fairly Represent Employees

268. The trade union and every representative must represent, fairly and without discrimination, all employees in the bargaining unit.

Collective Agreements

Provision for Final Settlement without Stoppage of Work

269. Differences concerning the interpretation, application, administration or alleged violation of a collective agreement must, in most instances, be settled by arbitration and the Minister of Labour is authorized to appoint the arbitrator or chairman of a board if the parties are unable to agree on their selection and one of them requests him to do so.

Copy to be Filed with Minister

270. A copy of every order or decision of an arbitrator or arbitration board must be filed with the Minister.

Decision of Arbitration Board

271. The decision of an arbitration board is that of the majority of the members, except that where a majority cannot agree, the chairman's decision rules.

Arbitration Costs, Fees and Expenses

272. Each party bears its own costs and pays the fees and expenses of members of the arbitration board nominated by it; the fees and expenses of an arbitrator or chairman of a board to be borne equally by the parties, unless the collective agreement otherwise provides or the parties otherwise agree.

Order or Decision within Sixty Days

273. The order or decision of an arbitrator or board must be made or given within sixty days after appointment. Failure to meet the time limit, however, does not invalidate the arbitration proceedings.

Operation of Hiring Halls

274. Where, pursuant to a collective agreement, a trade union is engaged in the referral of persons to employment, it shall apply, fairly and without discrimination, rules established by it for that purpose. "Referral" includes assignment, designation, dispatching, scheduling and selection.

Posting of Rules

275. The referral rules must be kept posted in a conspicuous place in every area of premises occupied by the trade union where persons seeking referral normally gather.

Requirement to establish rules

276. Trade unions engaged in employment referral that have not established rules must do so.

Conciliation and First Agreements

Conciliation Procedures

Report of Commissioner or Board

277. The report of the chairman of a conciliation board is the report of the board in those cases where each member makes a report. Otherwise, as before, the report of the majority is the board report.

Settlement of First Agreement

278. The Minister is authorized to refer to the Board, after the point has been reached at which a lawful strike or lockout could occur, a dispute arising out of the failure of an employer and newly certified bargaining agent to enter into a collective agreement. The Board is authorized to settle the terms and conditions of a first agreement for a term of one year binding on the parties except to the extent that such terms and conditions are subsequently amended by the parties by agreement in writing. The Board gives the opportunity for a hearing and takes into account matters that will help to produce a fair and reasonable agreement.

No Strike or Lockout until certain requirements met

279. A strike or lockout cannot be declared, caused or authorized until seven days after the Minister releases a copy of a conciliation commissioner's or board's report. Previously the condition was seven days after the Minister received the report.

Declarations Relating to Strikes and Lockouts

280. The Board is authorized, at the request of the employer or trade union, to make orders that would prevent or end an illegal strike or lockout.

Terms and Duration of Order

281. An order to prevent or end the illegal activity shall be in such terms as the Board considers necessary and sufficient to meet the circumstances of the case and, subject to the following, have effect for the time specified.

Application for Supplementary Order

282. The Board may, on application by the employer or trade union that requested the order or any employer, trade union, employee or other person affected thereby, notice of which application has been given to the parties named in the order, by supplementary order, continue the order with or without modification, for such period as is stated in the supplementary order, or revoke the order.



## Unfair Practices

### Prohibitions relating to employers

283. An employer or his agent is prohibited from disciplining an employee who proposes to become, or seeks to induce any other person to become, a member, officer or representative of a trade union or participates in the promotion, formation or administration of a trade union.

### Complaints to Board

284. The Board is given jurisdiction to hear complaints for failure to comply with new requirements, including terms and conditions of employment not to be changed where application for certification is in process, fair representation and referral, etc.

### Board Orders

285. For non-compliance the Board may order compliance and require a trade union to take action on an employee's behalf and require an employer to employ and pay compensation to any person whom the employer had refused the employ, suspended or wrongfully dismissed.

### Consent of Board before Prosecution

286. The written consent of the Board rather than that of the Minister to be required for a prosecution under Part V of the Canada Labour Code.

### Industrial Inquiry Commission

287. The Industrial Inquiry Commission is authorized to retain, when approved by the Minister, experts, technicians or specialists to assist the Commission in an advisory capacity.

### Access to Financial Statements

288. A trade union or employers' organization must provide any of its members, on request, with a free certified true copy of an annual financial statement of its affairs. The Board may issue an order requiring such a statement to be filed with the Board on a complaint of non-compliance.



## B. Public Sector

### Civil Servants

#### Alberta

289. The Public Service Employee Relations Act was adopted in May 1977 and proclaimed into force on September 23 by the Alberta Government. The new legislation establishes the framework of collective bargaining for public employees and amends several Acts including sections of the Public Service Act dealing with employee relations.
290. Under the Public Service Employee Relations Act, the parties to negotiations are for the employer, the Public Service Commissioner representing the Crown in right of Alberta; and for the employees, a trade union acting on behalf of the employees in a bargaining unit, whether or not certified.
291. The Act applies to employees of an employer defined as the Crown in right of Alberta, or a corporation, commission, board, council or other body, whose members or directors are designated by an Act of the Legislature, are appointed by the Lieutenant-Governor in Council or by a Minister of the Crown or both.

#### Certification of Unions

292. The Act creates the Public Service Employee Relations Board (PSERB), consisting of five appointees of the Lieutenant-Governor in Council, of whom one acts as Chairman. Among other duties, the Board is responsible for dealing with certification proceedings.
293. All employees of the Crown constitute a single bargaining unit. The PSERB may however determine the number of appropriate bargaining units for the following employers: the board of management of each Provincial General Hospital, the Provincial Cancer Hospitals Board and the University of Alberta Hospital Board.
294. The Act contains extensive provisions regarding persons who are included and excluded from bargaining units. Excluded from any bargaining unit are persons who: exercise managerial duties and responsibilities in relation to policy or program formulation, development and administration; are engaged in the administration of personnel policies or programs; are in the Employee Relations Division of the Personnel Administration Office or have to deal on behalf of an employer on matters related to collective bargaining; represent the employer in a procedure for the resolution of differences; are in positions classified as budget officers, system-analysts or auditors; act in an investigative or research capacity in the office of the Ombudsman; are officers of the Legislative Assembly and involved in confidential matters; are employed in the office of the Lieutenant-Governor, of a member of the Executive Council, the Executive Council, or on the personal staff of a deputy minister or assistant deputy minister.

Where questions arise as to whether a person is included or excluded from a bargaining unit the Board's decision is final. Members of the legal, medical, dental, architectural or engineering professions are excluded from any unit unless the Board directs otherwise.

295. When a trade union makes an application for certification, the PSERB inquires into whether the union is a proper bargaining agent and whether a majority of the employees in the unit are in favour of the union as their bargaining agent.
296. Applications may be made at any time when there is no collective agreement and no certification of a bargaining agent in effect. If no agreement is in force and a bargaining agent has been certified an application may be presented at any time after the expiration of 10 months from the date of certification.
297. Where an agreement is in force and a bargaining agent has been certified, application may be made, in the case of an agreement for a term of two years or less, at any time in the two months prior to the end of the term, and, in the case of an agreement for a term of more than 2 years, during the 11th or 12th month of the second year, or the 11th or 12th month of any subsequent year of its term or during the final two months of its term.
298. The PSERB is not required to direct or conduct a certification vote but it may do so.

#### Collective Bargaining

299. A collective agreement contains provisions respecting terms and conditions of employment. Some matters may not be referred to arbitration and may not be included in an arbitral award however.
300. Where no agreement is in effect, either party may serve notice to bargain at any time. When an agreement is in effect, notice may be given not less than 30 days and not more than 90 days before the expiry of the agreement, unless the agreement specifies a longer period.
301. Notice must be given at least 10 days before the date fixed in the notice for the commencement of bargaining.
302. Mediation may be requested at any time during bargaining. When a dispute arises, and both parties agree to ask for mediation the mediator endeavours to get the parties to reach an agreement. He must report to the Board within 20 days of his appointment.
303. Arbitration may be requested at any time by either or both of the parties. The request is accompanied by a list of items in dispute which the party making the request wishes to have referred to arbitration. If only one party makes the request, the other party is given the opportunity to add items to the list.

304. The PSERB must be satisfied that the parties have made reasonable efforts to resolve their dispute by negotiation and that it is an appropriate time to establish an arbitration board.
305. When the PSERB decides in favour of an arbitration board, each of the parties appoints a member and the two members select a chairman. The PSERB has the authority to make the appointments in any case where they are not made within the prescribed time limits.
306. The PSERB supplies the arbitration board with the list of arbitral items to be resolved. Only those matters that may be included in a collective agreement may be referred to arbitration and in addition the Act makes the following non-arbitral: organization of work, assignment of duties, determination of the number of employees, the systems of job evaluation, the assignment of jobs and positions within the systems, selection, appointment, promotion, training, or transfer, and pensions.
307. In making its award the board must consider the interests of the public, terms and conditions of employment in similar occupations outside the public service, the need to maintain appropriate relationships among the various classifications and occupations and the need to establish fair and reasonable terms and conditions of employment in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered.
308. The arbitral award is binding on the parties. There is an express prohibition of strikes and of lockouts.

#### Collective Agreements

309. In addition to providing for the terms and conditions of employment generally, a collective agreement may require the employer to deduct trade union dues or a sum equal to those dues from the pay of every employee in the bargaining unit. An agreement may also make membership in a trade union a condition of employment.
310. If an agreement is for any unspecified period of time, it is deemed to be in effect for one year.

#### Grievances

311. The Act requires that every agreement provide for final settlement of differences by adjudication or otherwise.
312. If an agreement does not so provide, the Act contains detailed provisions for dealing with grievances which are deemed to be included in the agreement. These provisions permit the selection of a single adjudicator, if the parties agree, to be named by the parties or the PSERB, where the parties agree to adjudication by a single adjudicator but not on the selection of the person to act as adjudicator. Where the parties do not agree to adjudication by a single adjudicator,

adjudication is by a three member board. Each of the parties appoints a member of the board and the two appointees select a chairman. If any of the appointments are not made within the prescribed time limits, the PSERB has the authority to make them.

313. The same principle applies where adjudication or some other method of dispute settlement requiring the appointment of a person or persons is specified in the agreement. If the parties are unable to agree on the appointment, either or both may request the PSERB to make the appointments.

British Columbia

314. The Miscellaneous Statutes Amendment Act, 1977 (Bill 91) received Royal Assent on September 27. It amends several Acts including the Public Service Act.
315. The amending Bill provides that the chairman of the Public Service Adjudication Board may, in the exercise of the duties of the board investigate, hear and determine a grievance or difference, or refer a grievance to a vice-chairman, or to a person who is not a member of the board as a single adjudicator or arbitrator, and for that purpose may maintain a roster of persons to act.
316. Upon application of a party affected by a decision or award in an investigation or hearing the board may
- (a) set aside the decision or award, or
  - (b) remit the matter back to the person who made it, or
  - (c) stay the proceedings, or
  - (d) substitute its decision or award for the decision or award of the person who made it

on the ground that a party to the decision or award has been or is likely to be denied a fair hearing, or the decision or award is inconsistent with the principles expressed or implied in this Act or any other Act dealing with labour relations.

317. The Court of Appeal may review the decision or award of the chairman, vice-chairman, panel of the board, or the person so appointed under specific conditions.
318. Where the Government, a trade-union or employee fails to comply with a decision or award, either party affected by the decision may, 14 days after the date of the release of the decision or the date provided for compliance, whichever is the later, file in the registry of the Supreme Court a copy of the decision. The decision is then entered as if it were a decision of the Court and is deemed for all purposes, except for the purpose of an appeal, to be an order of the Supreme Court and enforceable as such.



319. The section amending the Public Service Act came into force on November 23, 1977.

Québec

320. Bill 53, The Civil Service Act, received First Reading on July 26 in the Québec National Assembly. The Bill proposes the consolidation and revision of the Civil Service Act and the Civil Service Department Act. It provides for the organization and management of the civil service and that recruitment and promotion are to be by way of competition based on selection according to merit.
321. Under the proposed legislation, the Minister of the Civil Service is to have general responsibility for the management of the civil service. The Minister will also negotiate collective agreements with certified employee associations within the scope of the mandates received from the Treasury Board. With the authorization of the government, he will sign collective agreements, supervise the carrying out of these agreements and co-ordinate their interpretation.
322. The administration of the new Act would be shared between the Minister of the Civil Service, the Commission de la fonction publique and the Office du recrutement du personnel de la fonction publique. Under the general responsibility for the management of the civil service, the Minister will make regulations concerning the classification of positions, remuneration, evaluation, promotion, assignment, reclassification, transfer, availability, demotion, removal or dismissal for incompetence and disciplinary action.
323. The Commission de la fonction publique will hear and decide appeals on matters related to classification and reclassification, competition for promotion, demotion, removal or dismissal for professional incompetence. The Commission will also initiate inquiries regarding compliance with the Act and regulations and advise the Minister and the Treasury Board on proposed regulations.
324. The Office du recrutement du personnel de la fonction publique will make regulations concerning the recruitment and selection of candidates for the civil service. It will recruit and select candidates, certify their qualifications and make appointments.

Police

Québec

325. On November 2, 1977 An Act respecting the Public Security Council and the Police Department of the Montreal Urban Community (Bill 57) came fully into force by proclamation of the Québec Government.
326. The Act brings changes to the composition, organization and functions of the Montreal Urban Community Public Security Council and to the Community Police Department. Bill 57 amends the Montreal Urban Community Act and the Charter of the City of Montreal.



327. Provisions relating to conditions of employment for Montreal policemen have been incorporated in the amendments to the Montreal Urban Community Act.
328. The conditions of employment, the retirement plan, pension plan or pension fund of members of the Police Department who are not employees within the meaning of the Labour Code are determined by the Security Council of Montreal Urban Community.
329. Bill 57 establishes a bargaining committee to negotiate under the authority and in the name of the executive committee of the Community every collective agreement, retirement plan, pension plan or pension fund of all the policemen of the Police Department with the exception of those who are not employees within the meaning of the Code as mentioned above.
330. The bargaining committee consists of a member of the executive committee who is the only person responsible for the bargaining; a member of the Public Security Council and a representative of the director of the Police Department are also members of the Committee as advisers. Every decision of the bargaining committee approved by the executive committee binds the Public Security Council.

## C. Construction

### Ontario

331. Ontario sanctioned new sections, 125 to 136, to the Labour Relations Act on October 27, 1977 respecting Province-wide Bargaining in the construction industry.
332. In the interpretation section "collective agreement", adds the words "and includes a provincial agreement; "employers' organization" adds the words "and a designated or accredited employer bargaining agency" and "trade union" adds "and a designated or certified employee bargaining agency".
333. Definitions:
- (a) "affiliated bargaining agent" means a bargaining agent that, according to established trade union practice in the construction industry, represents employees who commonly bargain separately and apart from other employees and is subordinate or directly related to, or is, a provincial, national or international trade union and includes an employee bargaining agency.
  - (b) "bargaining" except when used in reference to an affiliated bargaining agent, means province-wide, multi-employee, bargaining in the industrial, commercial and institutional sector of the construction industry.
  - (c) "employee bargaining agency" means an organization of affiliated bargaining agents that are subordinate or directly related to the same provincial, national or international trade union, and that may include the parent or related provincial or national or international trade union, formed for purposes that include the representation of affiliated bargaining agents in bargaining and which may be a single provincial, national or international trade union;
  - (d) "employer bargaining agency" means an employers' organization or group of employers' organization formed for purposes that include the representation of employers in bargaining;
  - (e) "provincial agreement" means one agreement in writing covering the whole of the Province of Ontario between a designated or accredited employer bargaining agency that represents employers, on the one hand, and a designated or certified employee bargaining agency that represents affiliated bargaining agents, on the other hand, containing provisions respecting terms or conditions of

employment or the rights, privileges or duties of the employee bargaining agency, the employees represented by the employer bargaining agency and for whose employees the affiliated bargaining agents hold bargaining rights, the affiliated bargaining agents represented by the employee bargaining agency, or the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry.

334. The Minister may designate initially new bargaining agencies to represent individual trades or crafts and employers of such trades or crafts in province-wide, multi-employer bargaining in the industrial, commercial and institutional sector of the construction industry. He may exclude certain bargaining relationships from these designations. He is empowered to convene a conference of trade unions and employees to advise in the selection of the appropriate bargaining agency. Referral may also be made to the Ontario Labour Relations Board of any question concerning a designation. He may amend or revoke a designation and make another.
335. A designated employee bargaining agency may be replaced by the O.L.R.B. if the Board finds the applicant for replacement to be more representative of employees in the trade or craft. This is likewise applicable to a designated employee bargaining agency.
336. An employee bargaining agency, upon designation or replacement by the O.L.R.B., has vested in it all the bargaining rights of the trade unions which represent the number of a particular trade or craft for the purpose of bargaining for a provincial agreement. This is likewise applicable to an employee bargaining agency.
337. Existing collective agreements shall end according to their term of operation and are then replaced by the provincial agreements which will become binding upon employers, trade unions and employees in the trades or crafts covered by the provincial agreements.
338. A provincial agreement shall be the only agreement between employers and a designated trade or craft and any agreement or arrangement other than a provincial agreement shall be null and void. All provincial agreements shall expire at the same time, April 30th, and shall be for a period of two years.
339. The O.L.R.B. is empowered to determine whether work performed by employees is within the industrial, commercial and institutional sector of the construction industry.
340. An employee and an employer bargaining agency shall act in good faith with their members and the employers or union they represent.

D. Emergency Legislation

British Columbia

Essential Services

341. This Act applies to an employer of the following employees and said employees; members of a fire-fighters' union, health care union or policemen's union. The Act applies to the employers and trade unions respecting the employees.

Part I

342. This part of the Act sets up the Essential Services Advisory Agency, listing its constituency, duties and fact finding roles.

Part II

343. Where a fire-fighters' union, policemen's union, or health care union and an employer of his authorized representative have bargained collectively in good faith and fail to conclude a collective agreement or a renewal or revision of it, the trade union may elect, by giving a notice in writing to the employee and the minister, to resolve the dispute by arbitration.
344. The parties may mutually agree to a single arbitrator or an arbitration board with a chairman to hear the dispute and resolve it.
345. If within 10 days after notice, the parties fail to agree to a single arbitrator or an arbitration board and the appointment of a chairman, the minister may appoint an arbitrator or board to hear and resolve the dispute.
346. The terms and conditions settled by the single arbitrator or arbitration board shall be deemed to be a collective agreement between the parties, binding on them and the employees except to the extent to which the parties agree to vary any or all of them.
347. There shall be no lockouts or strikes during the period from which the notice is given until the date a collective agreement terminates.
348. In arbitration under this Act, the arbitrators or board shall have regard to
- (a) the public interest
  - (b) terms and conditions of employment in similar occupations outside the employer's employment, including such geographic, industrial, or other variations as the single arbitrator or arbitration board considers relevant.

- (c) the need to maintain appropriate relations between different classification levels within an occupation and between different occupations.
- (d) the need to establish terms and conditions that are fair and reasonable in relation to the qualification required, work performed, responsibility assumed and the nature of services rendered, and
- (e) any other factor considered relevant to the matter in dispute.

349. The Arbitration Act does not apply to an arbitration under this Act.
350. Sections dealing with fees and costs, powers, summons to testify, majority decision, decision of arbitration board, filing of decisions and referring to Labour Relations Board under the Labour Code of British Columbia apply to an arbitration under this Act.
351. Where failure by the arbitrator or board to deal with any matter in dispute or that an error is apparent, another party may within 10 days make representation to amend, alter or vary the decision.
352. There is no appeal from a decision or award of a single arbitrator or an arbitration board referred to in this Act.

### Part III

353. Where bargaining parties fail to conclude a collective agreement or a renewal or revision of it, or a dispute between them is not resolved, and the Lieutenant-Governor in Council is of the opinion that, as a consequence,
- (a) an immediate and serious danger to life, health, or safety, or
  - (b) an immediate and substantial threat to the economy and welfare of the Province and its citizens exists or is likely to occur, he may, with respect to the employees covered or to be covered by the collective agreement, do one or more of the following:
  - (c) direct the Labour Relations Board to designate those facilities, productions and services that it considers necessary or essential to prevent (a) or (b) and shall order the employer and trade-union to continue to supply, provide or maintain the same and not to limit or restrict them,



(d) prescribe a period not exceeding 90 days, commencing at the time provided in the order, during which

- (i) the employer shall continue or resume normal operation and guarantee the employment of every employee required for normal operations,
- (ii) existing terms and conditions shall be maintained except those mutually agreed upon,
- (iii) there shall be no lockout,
- (iv) the employer shall not transfer, layoff, demote, suspend or dismiss an employee without just and reasonable cause,
- (v) every employee shall continue or on the call of the employer resume the normal duties of his employment,
- (vi) there shall be no striking or picketing,
- (vii) bargaining shall resume in good faith with a reasonable effort to achieve an agreement.

(e) appoint one or more special mediators to confer with the parties to assist them in settling a collective agreement, and where more than one is appointed, he designates a chairman.

- 354. On the making of an order by the Lieutenant-Governor in Council all employees are notified that strikes are now illegal and the employer shall not refuse an employee his right to work.
- 355. Failure or refusal by the employee to follow the order may be deemed just and reasonable cause for demotion, suspension, or dismissal.
- 356. Failure or refusal by the employer to comply with the order shall require that he must, in addition to paying wages that he is required to pay to his employees, pay an amount equal to the wages of all his employees affected by non-compliance for every day the employer fails or refuses to comply.
- 357. In the case of the employee, the employer shall reduce his wages by an amount equal to the wages of the employee for every day the employee fails or refuses to comply.
- 358. These additional amounts shall be paid to a charitable organization qualified as such under the Income Tax Act (Canada) for use exclusively, within the Province, that is agreed to by the parties or failing agreement, designated by the Lieutenant-Governor in Council.

359. Any matter concerning the above that causes a difference shall be referred for determination to the Labour Relations Board.
360. The Lieutenant-Governor in Council may extend the 90 day period by 14 days and shall not make more than one order in respect of any dispute.
361. Where an order is made by the Lieutenant-Governor in Council the trade union may elect to conclude a collective agreement or a renewal or revision of it by arbitration.
362. The special mediator may determine his own procedures and both parties shall comply and all shall provide full and complete information as required.
363. The special mediator has all powers, protection and privileges of a Commissioner under the Public Inquiries Act.
364. He shall report, at the request of the minister, on the progress of the mediation.
365. Where the dispute is not resolved, he shall not later than a date set out in his appointment, report to the minister his recommendations.

#### Part IV

366. The Labour Relations Board may file in a registry of the Supreme Court a copy of every order made and upon being so filed, shall be deemed to be an order of the Supreme Court, except for the purpose of an appeal from it.
367. The Board may amend, substitute, replace or withdraw all or part of an order, and shall forthwith file a copy of the subsequent order in accordance with the above.
368. Any question or difference between the parties may be referred to the Labour Relations Board and the Board may decide the question or difference and enforce the decision.

#### Air Traffic Controllers

369. With the coming into force of the Act to provide for the continuation of air traffic control service, all union officers and representatives shall give notice to the employees that all work stoppages and strikes will be stopped. All employees shall continue or resume work.
370. Return to work shall not be denied nor shall employees be disciplined.
371. The term of the agreement has been extended to include the period from January 1, 1977 to December 31, 1977.
372. Any letters of understanding agreed to by the two parties are renewed.

- 373. Rates of pay as are specified in the Act shall be applicable upon the coming into force of the Act.
- 374. Variations to the schedule of rates may be sent for reconsideration by the chairman of the P.S.S.R.B. upon appointment of an arbitrator to reconsider said rates.
- 375. The Anti-Inflation guidelines are applicable to the Act.

Alberta

Temporary Anti-Inflation Measures Amendment Act

- 376. The Minister may, on behalf of the Government of Alberta and with the approval of the Lieutenant-Governor in Council enter into any agreement with the Government of Canada authorized by the federal Act.
- 377. Section 163 of The Alberta Labour Act, 1973 allows the Lieutenant-Governor in Council to order in emergency circumstances that a labour dispute be settled by procedures established by the Minister of Labour.

Québec

Labour Unions Under Trusteeship

- 378. The Act is amended respecting the placing of the "International Union of Elevator Constructors Locals 89 and 101", under trusteeship and the Act is amended respecting certain labour unions under trusteeship.
- 379. The powers of the board of trustees are established by law in regard to the employment office of each of the unions.
- 380. The Lieutenant-Governor in Council may place a group under the trusteeship of the board of trustees of a union, if that group is carrying on activities normally entrusted to that union.
- 381. The requesting of money from members of a union render trusteeship without the authorization of the board of trustees of that union.
- 382. The proceedings under the trusteeship acts are instituted by the Procureur général or a person designated by him for that purpose.
- 383. The Lieutenant-Governor in Council may terminate trusteeship in regard to any union, group or association.
- 384. The "Association unie des ouvriers en tuyauterie du Québec Inc." is placed under trusteeship.
- 385. The "Association sportive du local 144 inc." is also placed under trusteeship.

## V. OCCUPATIONAL SAFETY AND HEALTH

386. During the last seven months, most provinces have made changes in their occupational safety and health legislation. Among these changes, two important acts have been proclaimed into force - the Workplace Safety and Health Act in Manitoba and the Occupational Health and Safety Act, 1977 in Saskatchewan.

### General Safety and Health

387. In Saskatchewan, the Occupational Health and Safety Act, 1977 which is described in Legislative Review #9, paragraphs 97 to 123, was proclaimed effective as of October 29, 1977.
388. A section of Ontario's Employees' Health and Safety Act, 1976 dealing with occupational health and safety data that the Workmen's Compensation Board may be requested to furnish, has been proclaimed into force as of July 1, 1977. For more details, see Legislative Review #8, paragraphs 399 to 401.
389. In Manitoba, the Workplace Safety and Health Act described in Legislative Review #8, paragraphs 347 to 377, became effective on September 1, 1977 by virtue of a proclamation. A new Workplace Safety and Health Division has been established within the Department of Labour to implement the Act.
390. The following regulations which were formerly under the Employment Safety Act, the Workers' Compensation Act or the Public Health Act have been reissued under the Workplace Safety and Health Act:
- 1) Regulation respecting the proper protection against injury of workers in workplaces, and respecting the protection of other persons from risks to their safety or health arising out of activities in workplaces
  - 2) Regulation relating to derricks, cranes and other hoisting equipment
  - 3) Regulation respecting spray painting in workplaces
  - 4) Regulation respecting first aid requirements
  - 5) Regulation respecting the protection of persons engaged in any industrial process particularly processes involving the use or manufacture of lead or benzol
  - 6) Regulation respecting workers employed in certain industries in which fibrosis (including silicosis) may be contracted
  - 7) Regulation respecting sanitary and hygienic welfare.



391. New regulations have been issued under the Manitoba Workplace Safety and Health Act and under the Alberta Occupational Health and Safety Act designating work sites where occupational safety and health committees must be established. In both provinces, regulations have also been adopted relating to the composition and functioning of the committees. In Manitoba, the organization, concerns and procedures of workplace safety and health committees must accord with the principles described in the appropriate Code of Practice published and amended from time to time in the Manitoba Gazette.
392. On December 21, 1976, Nova Scotia had approved Occupational Health Regulations under the Health Act; these regulations have recently been adopted under five other acts - the Industrial Safety Act, the Construction Safety Act, the Coal Mines Regulation Act, the Metalliferous Mines and Quarries Regulation Act and the Mineral Resources Act.
393. The regulations apply to any undertaking in which one or more persons are employed for any purpose and to all occupational groups.
394. Provisions are made for the enforcement of the regulations including the appointment of inspection officers.
395. According to the regulations, the Occupational Health Standards relating to gases, vapours, mists, fumes, smoke, dust and other chemical substances and physical agents must be as listed in the Threshold Limit Values for chemical substances and physical agents for 1976, published by the American Conference of Governmental Industrial Hygienists and its subsequent amendments or revisions.

#### Radiation

396. Alberta has amended its regulations respecting the installation and use of medical, dental, veterinary and paramedical X-ray equipment.
397. The amendments prescribe a maximum permissible dose of ionizing radiation to the abdomen of a female radiation worker when she is capable of becoming pregnant and in the case when she is known to be pregnant and to the thyroid of a person under the age of 16.

#### Mines

398. In Québec, an Act to amend the Mining Act has been proclaimed into force except for a few sections. Most provisions of the Act became effective September 7, 1977 including the one abrogating the prohibition for a woman or girl to work underground in a mine except as an engineer or geologist.



399. In 1975, Québec passed a regulation which required that, effective January 1, 1978, the concentration of asbestos dust in the air, within a mine, was not to exceed for a period of eight hours, an average concentration of five asbestos fibres longer than five microns per cubic centimetre of air. This legislation has been replaced by a new regulation which became law following its publication in the Québec Official Gazette on August 3, 1977.
400. The regulation stipulates that every mine whose operation could result in the emission of asbestos dust, must be conceived, structured and provided with a treatment or evacuation system so as to meet the standard of an average dust concentration of less than two fibres longer than five microns per cubic centimetre, expressed in terms of the following convergent and inherent parameters:
- 1) effective January 1, 1981, or any earlier date fixed by the Lieutenant-Governor in Council as a result of the establishment by the Minister of Natural Resources of a reliable, tested method of measurement, a maximum varying from 0.20 mg/m<sup>3</sup> to 5 mg/m<sup>3</sup> as the asbestos content of the total respirable dust varies from 100% to 4%;
  - 2) effective January 1, 1978, a maximum of 5 mg/m<sup>3</sup> of total respirable dust;
  - 3) effective January 1, 1978, a maximum of five fibres longer than five microns per cubic centimetre in the air of the working area;
  - 4) effective January 1, 1978, a maximum of 0.20 mg/m<sup>3</sup> of total respirable dust in the return air flow or make-up air flow.

401. Dust threshold levels of tolerance are also prescribed for every mine whose operation could result in the emission of crystalline silica dust.

#### Boilers and Pressure Vessels

402. The Saskatchewan new Boiler and Pressure Vessel Act, 1977 was proclaimed effective as of July 1, 1977 and new regulations respecting examinations and certificates of engineers and firemen came into force on January 1, 1978.
403. New regulations respecting propane, natural, manufactured and medical gas have been issued under the New Brunswick Boiler and Pressure Vessel Act replacing the regulations respecting gas burning appliances and equipment.
404. The regulations apply to the manufacture, storage, transportation, handling, installation, testing, inspecting and maintenance of appliances and equipment for the utilization of propane, natural and manufactured gas and the installation, testing and inspection of medical gas systems.

#### Power Engineers

405. In Prince Edward Island, the Power Engineers' Act was assented to May 13, 1977 replacing the former act which was passed in 1972. The new Act which is a revision of the 1972 legislation will come into force on proclamation.

#### Elevators and Lifts

406. The Federal Government has issued Ships' Elevator Regulations under the Canada Shipping Act.
407. The new regulations apply to elevators and escalators that are used primarily to carry persons, and that are installed on Canadian ships or ships engaged in the coasting trade of Canada.
408. The design, construction, installation, inspection, testing and alteration of every elevator or escalator must comply with the applicable provisions of the Canadian Standards Association Code B 44 entitled "Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks" that was in force at the time the elevator or escalator was installed except for those installed after January 1, 1976 which must comply with C.S.A. Code B 44-1975.

#### Electrical Code

409. In Québec, effective July 27, 1977, the 12th Edition of the Canadian Electrical Code has been adopted for the purpose of ensuring a better application of the Electricians and Electrical Installations Act and meeting technical developments in the field of electricity.
410. The electrical works for which a permit was issued prior to July 27, 1977 may be continued to their termination in accordance with the former Electrical Code.

#### National Emission Standards for certain Dangerous Substances

411. The federal jurisdiction has issued the Asbestos Mining and Milling National Emission Standards Regulations under the Clean Air Act.
412. Commencing December 31, 1978, the concentration of asbestos fibres contained in gases emitted into the ambient air at a mine or mill from crushing, drying or milling operations, or from dry rock storage, must not exceed two asbestos fibres per cubic centimetre of the gases.
413. The terms "ambient air" do not include the atmosphere within a structure or within an underground space.

414. These emission standards may be exceeded, as specified in the regulations, in the event of a malfunction or breakdown in the air pollution control equipment or the process equipment associated with the operations or storage referred to previously.
415. Other regulations entitled "Chlor-Alkali Mercury National Emission Standards Regulations" have been adopted under the Clean Air Act. Commencing July 1, 1978, they will impose standards for the emission of mercury into the ambient air by a plant.
416. In the two sets of regulations, it is specified that nothing may be construed so as to permit the emission of asbestos fibres or mercury in a quantity or concentration that exceeds what is permitted to be emitted or discharged by a mine, mill or plant by any law of a province.
417. Both regulations are under the responsibility of the Minister of the Environment.

## VI. WORKERS' COMPENSATION

418. During the last seven months, Alberta, Prince Edward Island and Québec have adopted bills which amend their workers' compensation legislation. Other legislative amendments have been made in British Columbia, Manitoba and Saskatchewan.
419. In the federal jurisdiction, a program has been established to provide compensation to prisoners in federal penitentiaries when they suffer lasting injuries during employment.

### Coverage

420. Effective September 1, 1977, Québec has passed an Act to amend the Workmen's Compensation Act and the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries and to again amend the Social Affairs Commission Act. This legislation has granted protection under the Workmen's Compensation Act to the student who, under the responsibility of a teaching institution, undergoes a non-remunerated training period in an industry contemplated by the Act.

### Earnings Ceiling

421. In Alberta, the earnings ceiling has been increased from \$14,500 to \$15,600 in respect of accidents occurring on or after July 1, 1977.
422. Effective January 1, 1978, the maximum annual wage rate has been raised from \$15,600 to \$17,600 in British Columbia, from \$16,000 to \$17,000 in Manitoba and from \$16,000 to \$18,000 in Saskatchewan.
423. In Québec, the earnings ceiling which was \$13,500 has been increased to \$15,500 on September 1, 1977 and to \$18,000 on January 1, 1978.
424. Québec has established an adjustment mechanism to determine the maximum rate of annual earnings. It is equal to 150% (for 1977: 140% and for 1978: 145%) of a yearly average computed on the basis of the average weekly earnings of the industrial composite in Québec as established by Statistics Canada for each of the twelve months preceding July 1 of the year preceding the year for which the maximum rate of annual earnings is computed.
425. The maximum rate of annual earnings is rounded off to the next highest \$500 and is applicable for the year 1978 and each of the subsequent years, from January 1 of each year.
426. The legislation provides for a possible change in the adjustment formula where a new method is adopted by Statistics Canada to determine the average weekly earnings for a given month.



Benefits to Dependants

427. In Alberta, effective July 1, 1977, the Workers' Compensation Amendment Act, 1977 brought increases in the income of dependants.
428. Where the only dependants are persons other than a widow, widower, child or common law spouse, the compensation payable as the result of an accident occurring on or after July 1, 1977 is a sum determined by the Board as reasonable and proportionate to the pecuniary loss to those dependants occasioned by the death but must not exceed \$90 per month (formerly \$70) to a parent or parents or \$135 per month (formerly \$105) in total payments to all such dependants.
429. The sum paid to a dependent widow or widower as a contribution to the additional expense occasioned by the death of a worker has been increased from \$500 to \$600. The maximum expenses of the funeral went up from \$450 to \$600 and from \$100 to \$200 regarding the transportation of the body.
430. Foster parents receiving compensation in respect of accidents that occurred on or after July 1, 1977 are entitled to an amount of \$345 per month, together with an additional sum of \$90 per month in respect of each child maintained.
431. Upon remarriage on or after July 1, 1977, a dependent widow or widower under the Act, is granted a lump sum of \$4,140 and the pension is discontinued. In this event, eligible dependent children are entitled to receive an allowance of \$90 per month.
432. The amendments to the Act brought an increase in the pension to a dependent spouse. The present situation is as follows:
- A. If the accident occurred on or after July 1, 1977, the dependent spouse receives the same pension the deceased worker would have received had the accident resulted in permanent total disability to the worker (75% of actual earnings up to a maximum of \$15,600). This provides a maximum pension of \$975 per month and a minimum pension of \$436 per month.
  - B. If the accident occurred on or between January 1, 1974 and June 30, 1977, the dependent spouse receives a minimum pension of \$436 per month or the addition of  $7\frac{1}{2}$  per cent to the existing pension, whichever is the greater.
  - C. If the accident occurred before January 1, 1974, the dependent spouse receives an increased pension of \$345 per month (formerly \$320).
433. Prince Edward Island has passed an Act to amend the Worker's Compensation Act which modifies certain provisions dealing with benefits paid to dependants.



434. In addition to a monthly pension of \$250, starting April 1, 1977, a dependent widow or invalid widower who has one or more children receive an allowance of \$50 per month (formerly \$40) for each child under the age of 16.
435. Dependent orphan children under the age of 16 now receive a monthly payment of \$75 compared to \$50 previously.

#### Disability Benefits

436. In Alberta, there has been an increase in the minimum pension for permanent total disability from \$405 to \$436 per month where the accident occurred on or after July 1, 1977. Workers suffering from permanent partial disability receive a proportionate monthly amount calculated according to the percentage of disability assessed.
437. Effective July 1, 1977, all existing permanent disability pensions have been increased by  $7\frac{1}{2}$  per cent with a minimum of \$436 per month for permanent total disability and a proportionate monthly amount for permanent partial disability.
438. In Québec, the Workmen's Compensation Act now obliges the employer to pay an employee suffering from a temporary total disability following a work accident or caused by an aggravation subsequent to such an accident, an amount equal to the compensation for the disability. The amount must be paid at the time the employee would ordinarily have received his wages and it covers the first five days on which the workman is totally disabled to work, not counting the day on which the accident occurred.
439. If the claim of the workman for compensation under the Act is subsequently deemed well founded, the Workmen's Compensation Commission will reimburse the employer any sum paid pursuant to the provision just described. Otherwise, the employer may demand reimbursement from the workman.
440. An employer who does not comply with the requirement to pay compensation as outlined above, is guilty of an offence and is liable, in addition to costs, to a fine equal to twice the amount of the compensation he omitted to pay to the workman, unless the employer proves that the claim of the workman was deemed unfounded.

#### Review of Decisions

441. The Québec Workmen's Compensation Commission may delegate generally, to such of its functionaries as it may designate, its powers to examine into, hear and determine, in first instance, all matters and questions respecting the right to compensation, the quantum of compensation and the degree of impairment of earning capacity.

442. Every person who believes he has been wronged by a decision rendered by such a functionary may first of all apply to a review board to have it reviewed and then he may appeal from the decision rendered in review to a body unconnected with the Commission, namely, the Social Affairs Commission. It is also possible to make an appeal to the Social Affairs Commission regarding a decision made under the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries.

Penitentiary Inmates Accident Compensation

443. On October 6, 1977, the federal jurisdiction has issued terms and conditions for penitentiary inmates accident compensation.
444. The type of employment covered includes participation in any work activity sponsored, approved or permitted by the Canadian Penitentiary Service or in any other activity it requires, excluding employment of an inmate who is on parole, other than day parole, and of an inmate who is under mandatory supervision. It also includes attendance at a training course that is approved by the Service for the inmate concerned and being transported by transportation arranged for or provided by the Service in connection with the activities described in this paragraph.
445. An inmate must submit his claim for compensation before the date of his lawful release from custody on parole, other than day parole, on mandatory supervision or by reason of expiration of sentence. As regards a dependant of a deceased inmate or ex-inmate, the claim must be submitted within the three months immediately following the death of such inmate or ex-inmate.
446. However, where a claim is submitted after the time prescribed, as outlined in the previous paragraph, it will be allowed if the Solicitor General is satisfied that:
- 1) there is a valid reason why the claim could not be submitted within the prescribed time, and
  - 2) the claimant would suffer undue hardship if the claim is not considered.
447. The claims are processed by the Occupational Safety and Health Branch of Labour Canada. The person in charge of that branch must forward each claim and all the information obtained by him relating to it together with a report of his determination to the Solicitor General who must, before making any payment to or in respect of the claimant, be satisfied that:
- 1) the claimant is an inmate, an ex-inmate or his dependant;
  - 2) the physical disability or death in respect of which the payment is claimed was caused by an accident; and
  - 3) the accident occurred while the inmate or ex-inmate was engaged in employment.

448. Various cases are described where no payment will be made to or in respect of an inmate, ex-inmate or a dependant. These include the case of a person who may claim compensation under the Government Employees Compensation Act, the Merchant Seamen Compensation Act or under a provincial compensation law providing for compensation to workmen or victims of crimes. Also, no payment will be made to or in respect of an inmate or ex-inmate whose physical disability or death was attributable to his serious and wilful misconduct.
449. No payment may be made to a claimant unless he or his duly authorized agent or guardian, in consideration of the payment, signs, in a form provided by the Solicitor General,
- 1) a release of any right of action that he may have against Her Majesty arising out of the accident; and
  - 2) an undertaking that
    - (a) he will not, except with the approval of the Solicitor General, bring an action against any person arising out of the accident, and
    - (b) he will, when requested to do so by the Solicitor General, co-operate with him, except in a pecuniary manner, in bringing any action, proceeding or appeal that the Solicitor deems advisable against any other person arising out of the accident.
450. Where an accident (including an industrial disease) causes the death of an inmate or ex-inmate, the dependants entitled to benefits receive payments as follows:
- 1) the necessary funeral expenses not exceeding \$400;
  - 2) in the discretion of the Solicitor General, the extra expenses of transporting the body to a region or area outside the region or area in which the inmate or ex-inmate lived immediately before his death, not exceeding \$100;
  - 3) a lump sum of \$400 plus \$250 per month for the spouse and where there are children, an additional monthly amount of \$40 for each eligible child;
  - 4) \$50 per month for each orphan child entitled to benefits;
  - 5) where there is no surviving spouse or children, a sum that, in the discretion of the Solicitor General, is reasonable and proportionate to the pecuniary loss sustained by the dependant as a result of the death but not exceeding \$40 per month for a surviving parent, \$30 per month for a surviving dependant other than a parent and \$60 per month in the aggregate for all surviving dependants.

451. The monthly payments for a spouse are discontinued if the spouse remarries or cohabits with another person as the common-law spouse of that person. However, where the spouse remarries, a lump sum amount equal to twelve of such payments is paid to the spouse within one month of the date of the marriage.
452. The monthly benefits paid in respect of a deceased inmate or ex-inmate, as described above, cannot exceed, in the aggregate, 75% of the monthly minimum wage that is in force on the date of the payment.
453. In these terms and conditions for penitentiary inmates accident compensation, the minimum wage mentioned is the one required to be paid to persons 17 years of age or over as set out in Part III of the Canada Labour Code.
454. Where an accident causes the physical disability of an inmate and the disability subsists after the date of his release on parole, under mandatory supervision or on lawful discharge, the amount of the payment for the ex-inmate will from such date and as long as the disability continues, be a monthly sum proportionate to the impairment of his earning capacity as determined by the Solicitor General on the basis of the nature and degree of the physical disability but not exceeding the monthly sum equal to 75% of the minimum wage that is in force on the date of the payment.
455. Circumstances are specified where an ex-inmate entitled to compensation would receive a lump sum in lieu of periodic payments and provision is made regarding the payment of medical care.
456. A claimant who is dissatisfied with the amount of a payment to him or who has been refused a payment or whose payments have been discontinued may, in writing, request the Solicitor General to review the circumstances relating to the amount, refusal or discontinuance of the payments, and the latter will, within a reasonable time after the receipt of a request, make the necessary review and advise the claimant in writing of his decision in the matter.



## DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, most Bills are referred to a committee to undergo detailed study and possible amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole house.

After third reading and adoption, a Bill then must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. This date may be indeterminate.

An index of Bills introduced or passed during the current period is attached to this report. The date of disposition of Bills is mentioned unless the information was not available (N.A.) at the time the index was prepared.



INDEX OF BILLS

June 1, 1977 - December 31, 1977

Legislature	Bill No.	Title	Disposition
Federal 1976-77		Government Bills <u>2nd Session, 30th Parliament</u>	
	C-25	An Act to extend the present laws in Canada that proscribe discrimination and that protect the privacy of individuals	Royal Assent 14/07/77
	C-27	An Act to establish the Department of Employment and Immigration, the Canada Employment and Immigration Commission and the Canada Employment and Immigration Advisory Council, to amend the Unemployment Insurance Act, 1971 and to amend certain other statutes in consequence thereof	Royal Assent 05/08/77
	C-53	An Act to correct certain anomalies, inconsistencies, archaisms, errors and other matters of a non-controversial and uncomplicated nature in the Revised Statutes of Canada 1970 and other Acts subsequent to 1970	Royal Assent 29/06/77
	C-63	An Act to provide for the continuation of air traffic control services	Royal Assent 09/08/77
1977		Government Bills <u>3rd Session, 30th Parliament</u>	
	C-7	An Act to amend the Corporations and Labour Unions Returns Act	1st reading 26/10/77
	C-8	An Act to amend the Canada Labour Code	2nd reading 14/12/77
		Private Members' Bills <u>3rd Session, 30th Parliament</u>	
	C-219	An Act to amend the Public Service Staff Relations Act	1st reading 31/10/77

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-223	An Act to amend the Canada Labour Code (certification of union)	1st reading 31/10/77
	C-224	An Act to amend the Railway Act (noise abatement)	1st reading 31/10/77
	C-228	An Act proclaiming the Canadian Flag Day a national holiday	1st reading 31/10/77
	C-229	An Act to protect the Canadian environment by instituting mandatory impact assessment procedures prior to the construction of installations potentially damaging to the environment	1st reading 31/10/77
	C-234	An Act respecting National Heritage Day	1st reading 31/10/77
	C-235	An Act to amend the Public Service Staff Relations Act and the Canada Labour Code to provide for the establishment of sector bargaining	1st reading 31/10/77
	C-238	An Act respecting the age of retirement	1st reading 31/10/77
	C-243	An Act respecting a Canadian Bill of Rights for Children	1st reading 31/10/77
	C-249	An Act to amend the Canada Labour Code (right of worker to refuse to work in unsafe conditions)	1st reading 31/10/77
	C-257	An Act to amend the Indian Act (rights of Indian women)	1st reading 31/10/77
	C-263	An Act to amend the Public Service Employment Act (discrimination as to age or physical handicap or health)	1st reading 31/10/77
	C-270	An Act respecting the conditions under which public servants may accept employment upon leaving the public service	1st reading 31/10/77

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-272	An Act to amend the Public Service Employment Act (Canadian citizens)	1st reading 31/10/77
	C-278	An Act respecting Magna Carta Day	1st reading 31/10/77
	C-282	An Act respecting the implementation of International Labour Organization Convention 96, concerning fee charging employment agencies	1st reading 31/10/77
	C-283	An Act to amend the Canada Labour Code (strike or lock-out)	1st reading 31/10/77
	C-284	An Act to amend the Canada Labour Code (increased minimum hourly wage)	1st reading 31/10/77
	C-286	An Act to amend the Canada Labour Code	1st reading 31/10/77
	C-289	An Act to amend the Canada Labour Code (right of worker to appeal dismissal)	1st reading 31/10/77
	C-291	An Act to amend the Canada Labour Code (notice of termination of employment)	1st reading 31/10/77
	C-292	An Act respecting Sir John A. Macdonald Day	1st reading 31/10/77
	C-296	An Act to amend the Holidays Act	1st reading 31/10/77
	C-309	An Act to amend the Canada Labour Code (right of worker to refuse to work overtime)	1st reading 31/10/77
	C-311	An Act to amend the Canadian Human Rights Act	1st reading 31/10/77
	C-312	An Act to amend the Canada Labour Code (provision for ten general holidays with pay)	1st reading 31/10/77

Legislature	Bill No.	Title	Disposition
Federal (continued)		Private Members' Bills <u>3rd Session, 30th Parliament</u>	
	C-326	An Act respecting noise in factories	1st reading 31/10/77
	C-338	An Act to amend the Canadian Citizenship Act (time off without loss of pay for appearance in Citizenship Court)	1st reading 31/10/77
	C-339	An Act to amend the Public Service Employment Act (oaths and confi- dential information)	1st reading 31/10/77
	C-345	An Act to establish the Office of Ombudsman	1st reading 31/10/77
	C-354	An Act to amend the Canada Labour Code	1st reading 31/10/77
	C-355	An Act to amend the Canada Labour Code (three weeks annual vacation after three years)	1st reading 31/10/77
	C-366	An Act to encourage the growth of the reserve force of the Canadian Forces	1st reading 31/10/77
	C-376	An Act to amend the Public Service Staff Relations Act	1st reading 31/10/77
	C-382	An Act to amend the Canada Elections Act (leave of absence)	1st reading 31/10/77
	C-384	An Act respecting employment with the Government of Canada not covered by the Public Service Employment Act	1st reading 31/10/77
	C-385	An Act to amend the Department of Employment and Immigration Act (handicapped persons)	1st reading 31/10/77
	C-393	An Act respecting the age of retirement	1st reading 31/10/77

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-394	An Act to amend the Public Service Staff Relations Act (strike ballots)	1st reading 31/10/77
Alberta		<u>Government Bills</u>	
	35	The Workers' Compensation Amendment Act, 1977	Royal Assent 18/05/77
	41	The Public Service Employee Relations Act	Proclaimed 23/09/77
	80	The Alberta Labour Amendment Act, 1977	Royal Assent 10/11/77
	82	The Industrial Wages Security Amendment Act, 1977	Royal Assent 10/11/77
	94	The Alberta Union of Provincial Employees Act	Royal Assent 10/11/77
	101	The Temporary Anti-Inflation Measures Amendment Act, 1977	Royal Assent 10/11/77
	220	The Blind Persons' Guide Dogs Act	Royal Assent 10/11/77
	228	An Act to Regulate Holiday Closings for Retail Business	1st reading 10/03/77
	257	An Act to Amend The Individual's Rights Protection Act	1st reading 10/11/77
		<u>Private Members' Bills</u>	
	246	An Act to Amend The Alberta Labour Act, 1973	1st reading 10/11/77
	248	An Act to Amend The Alberta Labour Act, 1973	1st reading 20/10/77
	254	An Act to Amend The Alberta Bill of Rights	1st reading 31/10/77
	257	An Act to Amend The Individual's Rights Protection Act	1st reading 10/11/77



Legislature	Bill No.	Title	Disposition
British Columbia 1976		Government Bill <u>1st Session, 31st Legislature</u>	
	78	Miscellaneous Statutes Amendment Act, 1976	Royal Assent 30/06/76
1977		Government Bills <u>2nd Session, 31st Legislature</u>	
	63	Ombudsman Act	Royal Assent 01/09/77
	76	Apprenticeship and Training Development Act	Royal Assent 27/09/77
	89	Labour Code of British Columbia Amendment Act, 1977	Royal Assent 27/09/77
	91	Miscellaneous Statutes Amendment Act, 1977	Royal Assent 27/09/77
	92	Essential Services Disputes Act	Proclaimed 28/10/77
		<u>Private Member's Bill</u>	
	M209	Access to Information Act	1st reading 23/06/77
Manitoba		Government Bills <u>4th Session, 30th Legislature</u>	
	18	The Retail Businesses Holiday Closing Act	Royal Assent 18/06/77
	26	An Act to amend The Apprenticeship and Tradesmen's Qualifications Act	Royal Assent 18/06/77
	45	An Act to amend The Vacations With Pay Act	Royal Assent 18/06/77
	47	An Act to amend The Department of Labour Act	Royal Assent 18/06/77
	50	An Act to amend The Payment of Wages Act	Royal Assent 18/06/77

Legislature	Bill No.	Title	Disposition
Manitoba (continued)		<u>Government Bills</u> <u>4th Session, 30th Legislature</u>	
	59	An Act to amend The Human Rights Act	Royal Assent 18/06/77
	65	An Act to amend The Employment Standards Act (2)	Royal Assent 18/06/77
	81	An Act to amend The Employment Standards Act (3)	Royal Assent 18/06/77
		<u>Government Bill</u> <u>1st Session, 31st Legislature</u>	
	6	An Act to amend The Employment Standards Act (Overtime Rate of Wages)	Royal Assent 12/12/77
New Brunswick		<u>Government Bill</u>	
	13	An Act to Amend the Plumbing Installation and Inspection Act	Royal Assent 16/06/77
Newfoundland		<u>Government Bills</u>	
	62	An Act Respecting Labour Relations in the Province	N/A
	90	An Act to Amend The Regulation of Mines Act	N/A
	96	An Act For The Protection of the Health of Persons Exposed to Radiation and for the Safety of Persons in Connection with the Operation and use of the Electrical and Mechanical Components of Radiation Producing Equipment and Associated Apparatus	N/A
	115	An Act to Provide for the Closing of Certain Shops on Holidays	N/A

Legislature	Bill No.	Title	Disposition
Northwest Territories		<u>Government Bill 1976 (2nd Session)</u>	
	Chap. 8	An Ordinance to Amend the Wages Recovery Ordinance	Royal Assent 28/05/76
		<u>Government Bill 1976 (3rd Session)</u>	
	Chap. 1	An Ordinance Respecting the Training and Certification of Apprentices and Tradesmen	Royal Assent 27/10/76
Ontario		<u>Government Bills</u>	
	4	An Act to provide for Successor Rights on the Transfer of an Undertaking to or from the Crown	Royal Assent 27/10/77
	22	An Act to amend The Labour Relations Act	Royal Assent 27/10/77
	70	An Act respecting the Occupational Health and Occupational Safety of Workers	2nd reading 24/11/77
	129	An Act to prohibit Discrimination in Business Relationships	1st reading 16/12/77
		<u>Private Members' Bills</u>	
	27	An Act to amend The Ontario Human Rights Code	1st reading 27/06/77
	33	An Act to amend The Proceedings Against the Crown Act	2nd reading 27/10/77
	50	An Act to provide for Freedom of Information	1st reading 07/07/77
	67	An Act to amend The Labour Relations Act	1st reading 17/10/77
	68	An Act to amend The Labour Relations Act	1st reading 17/10/77
	69	An Act to amend The Labour Relations Act	1st reading 17/10/77

Legislature	Bill No.	Title	Disposition
Ontario (continued)	<u>Private Members' Bills</u>		
	83	An Act to amend The Employment Standards Act, 1974	1st reading 25/10/77
	93	An Act to amend The Employment Standards Act, 1974	1st reading 03/11/77
	106	An Act to amend The Employment Standards Act, 1974	1st reading 17/11/77
	121	An Act respecting Family Day	1st reading 08/12/77
	126	An Act to amend The Labour Relations Act	1st reading 15/12/77
Prince Edward Island	<u>Government Bills</u>		
	3	An Act to Amend the Workers' Compensation Act	Royal Assent 13/05/77
	16	Power Engineers Act	Royal Assent 13/05/77
Québec	<u>Government Bills</u>		
	5	An Act to amend the Workmen's Compensation Act and the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries and to again amend the Social Affairs Commission Act	Proclaimed 01/09/77
	9	An Act to secure the handicapped in the exercise of their rights	1st reading 03/06/77
	23	An Act to amend the Public Health Protection Act and other legislation	Royal Assent 19/07/77
	27	An Act to amend the Mining Act	Proclaimed in part 07/09/77

Legislature	Bill No.	Title	Disposition
Québec (continued)		<u>Government Bills</u>	
	45	An Act to amend the Labour Code and the Labour and Manpower Department Act	Royal Assent 22/12/77
	53	Civil Service Act	1st reading 26/07/77
	57	An Act respecting the Public Security Council and the Police Department of the Montreal Urban Community	Royal Assent 12/08/77
	69	An Act to amend the Act respecting the placing of the "International Union of Elevator Constructors, locals 89 and 101" under trusteeship and the Act respecting the placing of certain labour unions under trusteeship	Royal Assent 29/11/77
	88	An Act to amend the Charter of human rights and freedoms	Royal Assent 19/12/77
	101	Charter of the French language	Royal Assent 26/08/77
Saskatchewan 1976/77		<u>Government Bills</u> <u>3rd Session, 18th Legislature</u>	
	38	An Act respecting Annual Holidays, Hours of Work, Minimum Wages and Other Employment Standards	Proclaimed 29/10/77
	71	An Act Respecting Boilers and Pressure Vessels and Steam, Refrigeration and Compressed Gas Plants	Proclaimed 01/07/77
	73	An Act for the Promotion and Protection of the Health and Safety of Persons Engaged in Occupations	Proclaimed 29/10/77



Legislature	Bill No.	Title	Disposition
Saskatchewan 1977/78		<u>Government Bill</u> <u>4th Session, 18th Legislature</u>	
	43	An Act respecting Elementary and Secondary Education in Saskatchewan	1st reading 30/11/77
		<u>Private Members' Bills</u>	
	30	An Act to amend the Saskatchewan Bill of Rights Act	1st reading 29/11/77
	31	An Act to amend the Fair Employment Practices Act	1st reading 29/11/77
	32	An Act to amend the Saskatchewan Human Rights Commission Act, 1972	1st reading 29/11/77
	53	An Act to provide for Certain Rights of Blind Persons	1st reading 12/12/77
Yukon Territory		<u>Government Bill</u>	
	9	An Ordinance to Amend the Workmen's Compensation Ordinance	Royal Assent 15/12/77







CAI  
L11  
- L26

# LEGISLATIVE REVIEW

NUMBER 11  
MAY 31, 1978



Labour  
Canada

Travail  
Canada





# **LEGISLATIVE REVIEW**

**NUMBER 11  
MAY 31, 1978**

Labour Canada  
Legislative Analysis

Published by Authority of the Honourable John Munro,  
Minister of Labour, Government of Canada

(Cette publication est également disponible en français  
sous le titre Revue de la Législation.)

©Minister of Supply and Services Canada, 1978  
ISSN 03017-7459  
Cat. No. L12-12/11-1978

## Foreword

The Legislative Review is a semi-annual report which describes pertinent labour legislation enacted by the federal, provincial and territorial governments.

Issue No. 11 covers the period from January 1, 1978 to May 31, 1978. It sets out enactments in the fields of apprenticeship and tradesmen's qualifications, employment standards, human rights, industrial relations, occupational safety and health and workers' compensation.

The present issue is co-authored by Nicole Marchand, Michel Gauvin, Bill Langford, Cal McKerral and Allan Nodwell.

The co-ordination of the material contained in this publication was the responsibility of Cal McKerral.

R.W. Crowley,  
Director-General,  
Central Analytical  
Services,  
Labour Canada.

J.P. Whitridge,  
Director,  
Library and Information  
Services,  
Labour Canada.

(Cette publication est également disponible en français  
sous le titre La Revue de la Législation.)





## LEGISLATIVE REVIEW

January 1, 1978 - May 31, 1978\*

	<u>Page</u>
I. Apprenticeship and Tradesmen's Qualifications	1
II. Employment Standards	4
III. Human Rights	10
IV. Industrial Relations	12
A. General	12
B. Public Sector	17
V. Occupational Safety and Health	26
VI. Workers' Compensation	36
Disposition of Bills	37
Index of Bills - January 1, 1978 - May 31, 1978	38

---

\*Bills and regulations not received in time for the printer's deadline will be included in the next issue.

<u>Contents</u>	<u>Paragraphs</u>
I. Apprenticeship and Tradesmen's Qualifications	1 - 33
Manitoba	1 - 8
Newfoundland	9 - 20
Nova Scotia	21 - 28
Ontario	29 - 33
II. Employment Standards	34 - 59
Federal	35 - 42
Bereavement Leave	36
Sick Leave	37
Unjust Dismissal	38
Payment of Wages	39
Annual Vacation	40
Paid Holiday	41
Maternity Leave	42
Newfoundland	43 - 48
Paid Holidays	44
Maternity Leave	45
Payment of Wages	46
Wage Priority	47
Industrial Standards Act	48
Manitoba	49 - 50
Minimum Wages	51 - 59
Ontario	51 - 54
Prince Edward Island	55
Quebec	56 - 58
General	59
III. Human Rights	60 - 75
Federal	60 - 71
Alberta	72 - 73
Nova Scotia	74 - 75
IV. Industrial Relations	76 - 176
A. General	76 - 110
Federal	76 - 108

## Contents

## Paragraphs

### IV. Industrial Relations (continued)

Definitions	78
Canada Labour Relations Board	79 - 85
Acquisition and Termination of Bargaining Rights	86 - 87
Conduct of Vote	87b
Fair Representation	88
Collective Agreements (general)	89 - 96
Settlement Without Stoppage of Work	89
Copy to Minister	90
Decision of Arbitration Board	91
Arbitration Costs, Fees, Expenses	92
Time Limit for Arbitration Order	93
Operation of Hiring Halls	94
Posting of Rules	95
Requirement to Establish Rules	96
Conciliation and First Agreements	97 - 102
Conciliation Procedures	97
Settlement of First Agreement	98
Preconditions to Strike or Lockout	99
Declarations	100
Terms, Duration of Order	101
Application for Supplementary Order	102
Unfair Practices	103
Complaints to Board	104
Board Orders	105
Consent of Board Before Prosecution	106
Industrial Inquiry Commission	107
Access to Financial Statements	108
 Nova Scotia	 109 - 110
Arbitration - Fee Sharing, Reporting	110
 B. Public Sector	 111 - 176
 Civil Servants	 111 - 153
 Federal	 111 - 126
Definitions	112
Salary Level in Definition of "Employee"	113 - 114
Pay Research Bureau	115 - 116
Arbitral Awards - Factors in	117 - 119
Strikes and Lockouts	120 - 123
Postal Service Operations	124 - 126

Contents

Paragraphs

IV. Industrial Relations (continued)

Nova Scotia	127
Civil Service Employee Relations Board	128 - 129
Bargaining Units	130 - 131
Collective Bargaining	132 - 141
Grievances	142 - 145
Unfair Practices	146 - 149
Offences and Penalties	150 - 153
Teachers	154 - 176
Prince Edward Island	154 - 156
Saskatchewan	157 - 176
Bargaining Committees	158 - 159
Local Agreement	160 - 161
Negotiations	162 - 164
Mediation	165 - 166
Arbitration	167 - 170
Conciliation	171 - 174
Arbitration of Grievances	175 - 176

V. Occupational Safety and Health

Federal	178 - 200
Right to Refuse Dangerous Work	179 - 188
Safety and Health Committees	189 - 195
Employees' Right to Complain	196 - 200
British Columbia	201 - 205
Saskatchewan	206
Newfoundland	207 - 218
Radiation Health and Safety Act passed	207
Terms defined	208
Director of Occupational Health	209
Registration	210
Directions of Minister	211
Inspection	212
Installation requirements	213
Use of radiation equipment	214 - 216
Radiation Health and Safety Advisory Committee	217
Offences and Penalties	218

<u>Contents</u>	<u>Paragraphs</u>
V. Occupational Safety and Health (continued)	
Federal	219 - 220
Explosives Act amended	219 - 220
Quebec	221
First-Aid Regulations	221
Federal	222 - 231
Canadian Centre for Occupational Health and Safety Act passed	222
Purpose	223
Objects of Centre	224
Activities and Powers of Centre	225
Briefs, Other Representations	226
Administration of Centre	227
President of Centre	228
Advisory and Other Committees	229
Annual Report	230
Results of Research	231
VI. Workers' Compensation	232 - 236
Saskatchewan	232 - 233
Yukon Territory	234
British Columbia	235 - 236





## I. APPRENTICESHIP AND TRADESMEN'S QUALIFICATIONS

1. Manitoba passed a new regulation governing the Boilermaker Trade.
2. Apprentices must be at least 16 years old and have grade nine education or its equivalent.
3. Training consists of three years of at least 1,600 hours per year.
4. Where no collective agreement exists an apprentice must be paid the provincial minimum wage plus 30% during the first six months, rising by 10% each six months.
5. Also passed in Manitoba was a regulation governing the Steel Fabricator Trade.
6. Apprentices must be at least 16 years old and have grade nine education or its equivalent.
7. The program of apprenticeship for the trade consists of four years of training and instruction of not less than 1,800 hours each year.
8. The wages of an apprentice, where no collective agreement exists, must be at least the provincial minimum wage plus 30% during the first six months, rising by 10% to the seventh period, and 5% the last period.
9. The Manpower Training and Certification Board in Newfoundland made an Order respecting the training of apprentices in various trades at Bowater Newfoundland Limited, for the maintenance of the company's paper mill plant and equipment.
10. The trades affected are; Industrial Mechanic (Millwright), Heavy Duty Mechanic, Machinist, Carpenter, Sheet Metal Worker, Welder, Pipefitter, Instrument Mechanic, Industrial Electrician, Bricklayer and Mason, and Power Engineer.
11. Apprentices must be at least 16 years old, have passed grade 11, and possess suitable physical development.
12. The general term of training is four years and at least 7,200 hours except Welding (5,400 hours), and Power Engineer (4,500 hours).
13. Apprentices' wages progress from 45% of prevailing journeyman rates in the first six months to 80% in the last (8th) six months.
14. Also passed in Newfoundland was a regulation under the Embalmers and Funeral Directors Act, 1975. The regulation governs the training of apprentices.
15. The regulation specifies a period of at least two years apprenticeship in order to write a qualifying exam as an embalmer.

16. An applicant for apprenticeship must be at least 17 years old and have at least grade ten education.
17. Rules for embalmer examinations are set out.
18. The regulation goes on with rules for apprenticeship of funeral directors.
19. An applicant for apprenticeship must be at least 18 years old and have at least grade ten education.
20. Rules for funeral directors examinations are set out.
21. Nova Scotia passed a regulation governing Engine Operator's Trade.
22. The regulation repeals all previous trade regulations pertaining to the Engine Operators Trade and sets out new rules governing that trade.
23. "Engine Operators Trade" means the operation and maintenance of various types of stationary engines and mechanical equipment such as boilers, pumps, turbines, compressors, motors, generators to provide heat, power, refrigeration, air-conditioning, etc.
24. Four classes are established within the trade, each requiring different lengths of training time (third and fourth - 2 years, second  $4\frac{1}{2}$  years, first class 6 years).
25. Also passed in Nova Scotia was a regulation governing the Residential Oil Burner Mechanic Trade.
26. The regulation repeals all previous regulations pertaining to the Residential Oil Burner Mechanic Trade and substitutes new rules governing that trade.
27. Residential Oil Burner Mechanic means the installation, repair and maintenance of any device that utilizes oil up to Grade No. 2 fuel in the production of heat in a single family or duplex dwelling.
28. The apprenticeship term is three years. Wages in the first six months must be at least 60% of journeymen's wages and must rise by at least 5% each six months (10% in the last six months).
29. Ontario passed a regulation governing the trade of Baker.
30. The certified trade is composed of two branches; Branch 1 is junior baker and Branch 2 is baker. Branch 1 requires 2,000 hours of training and instruction, and Branch 2 requires three periods of training and instruction of 2,000 hours each. Separate examinations are to be provided for Branch 1 and Branch 2.

31. Ontario also passed a regulation governing the trade of Construction Boilermaker.
32. The training program is four periods of training and related work experience of 1,650 hours for each period.
33. The wages of an apprentice construction Boilermaker are 60%, 70%, 80% and 90% respectively, of the wages of a journeyman employed by the same employer, for the four periods of training.

## II. EMPLOYMENT STANDARDS

34. Two Acts, Bill C-8, an Act to amend the Canada Labour Code and an Act to Provide Uniform Minimum Standards of Conditions of Employment in the Province in Newfoundland highlighted the first half of 1978 in the area of labour standards.

### Federal

35. Bill C-8 will provide bereavement leave, sick leave, protection from unjust dismissal, payment of wages, annual vacation, paid holidays and maternity leave modifications.

### Bereavement Leave

36. Effective June 1, 1978 the bereavement leave provision comes into force. Every employee who has completed three consecutive months of continuous employment for an employee is entitled to and shall be granted, in the event of the death of a member of his immediate family, bereavement leave with pay on any of his normal working days that occur during the three days immediately following the day of the death. The Governor-General in Council may make regulations defining the expression "immediate family".

### Sick Leave

37. On September 1, 1978 this provision becomes effective. No employee shall dismiss or lay off an employee solely because of absence due to illness or injury if the employee has completed three months of continuous employment with the employer. The period of absence should not exceed 12 weeks or the period during which an employee is undergoing treatment and rehabilitation at the expense of a worker's compensation authority. The employee may be required to present a certificate of illness or injury from a qualified medical practitioner.

### Unjust Dismissal

38. Any employee who is not a manager or is not subject to a collective agreement and who has been dismissed may file a complaint to any Labour Canada office if he or she considers the dismissal to be unjust. A labour officer will try to assist the parties to settle the complaint. If unsuccessful the complainant may request that the matter be referred to adjudication. To qualify, a person must have at least 12 months' service with the same employer. A layoff due to lack of work or the discontinuance of a function would not be considered unjust dismissal.

### Payment of Wages

39. An amendment established an employee's right to regular payment of wages on the normal payday set down by the employer. Failure to comply will constitute a violation of the Code. Other monies owing under the Act, for example, general holiday pay, termination pay, etc., must be paid within 30 days from the date the employee becomes entitled to them.



Annual Vacation

40. The new Act provides at least three weeks with vacation pay after six consecutive years of employment with one employer.

Paid Holidays

41. Provision is made for a ninth holiday with pay, namely Boxing Day.

Maternity Leave

42. No employer shall dismiss or lay off an employee solely because she is pregnant or has applied for leave under the Act.

Newfoundland

43. The Labour Standards Act (not yet proclaimed in force) consolidates seven of the Acts that already existed. These are the Annual Vacation with Pay Act, the Employment Notice of Termination Act, the Employment of Children Act, the Minimum Wage Act, the Weekly Day of Rest Act, the Workmen's Wages Act and the Termination of Employment Act, 1973. Changes of note are the provisions covering paid holidays, maternity leave, payment of wages and wage priority.

Paid Holidays

44. The new Act will make New Year's Day, Good Friday, Memorial Day, Labour Day and Christmas Day public holidays. If a holiday is worked by an employee he shall be paid double his normal wages and be given one full day's holiday within 30 days after that public holiday.

Maternity Leave

45. The provision under the Act allow a period of 11 weeks preceding the estimated date of birth and a period of six weeks following the actual birth. The employee must have twelve months' continuous service with the employer. She must present a medical certificate 15 weeks before the estimated date of birth. Reinstatement without loss of rights, benefits and privileges will occur upon return to work.

Payment of Wages

46. An employee shall, not less frequently than half monthly, pay to an employee the wages due to that employee up to a day not more than one week before the date of payment.

Wage Priority

47. A person to whom unpaid wages are due and owing by an employer has in respect of the wages due to that person, first priority and claim over the claims of all creditors of the employer, including claims to the Crown, to the extent of two thousand dollars.

Industrial Standards Act

48. A prosecution under this Act shall not be commenced later than two years (was one year) after the alleged offence was committed.

Manitoba

49. Under the Retail Businesses Holiday Closing Act, the number of persons employable has been increased from three to four.
50. The amendment to the Payment of Wages Act has made the Act more flexible in its application.

Minimum Wages

Ontario

51. A two-step amendment raises the minimum wage to \$2.85 on August 1, 1978 and \$3 on January 1, 1979.
52. As of August 1, 1978, ambulance drivers, drivers' helpers and first-aid attendants shall receive a weekly salary of \$136.80 and on January 1, 1979 a weekly salary of \$144.
53. Construction workers and construction site guards will receive \$3.15 an hour as of August 1, 1978 and \$3.25 an hour on January 1, 1979.
54. A hunting or fishing guide shall receive \$15 a day for less than five consecutive hours in a day and \$30 for five or more hours whether or not they are consecutive.

Prince Edward Island

55. Board Order No. 1,78, effective July 1, 1978 raises the minimum wage for all persons 18 years of age and over to \$2.75 per hour and for those under 18 years of age to \$2.40.

Quebec

56. In the cartage industry in Montreal the salaries shall vary between \$3.15 per hour for an under 18 helper to \$7.42 (starting rate and \$7.72 after one month) for a float driver (Nicolas type) plus 8¢ per hour cost-of-living bonus.
57. The Ladies Cloak and Suit Industry varied its wages between \$6.65 for an experienced cutter and \$4.10 for a general hand.

58. The Woodworking industry varied its salaries effective May 17, 1978, October 1, 1978, April 1, 1979, and October 1, 1979 to \$5.25, \$5.50, \$5.75, and \$6.00 for a cabinet maker and \$4.35, \$4.60, \$4.85 and \$5.10 for students, on the above respective dates. Shift premiums were raised to 15¢ per hour for each hour worked between 7:00 p.m. and midnight, and 20¢ for hour for each hour worked between midnight and 7:00 a.m.

59. General Hourly Minimum Wage Rates for Adults and Young Workers (as of May 31, 1978).

1. Federal

Effective April 1, 1976

Employees 17 and over	\$2.90
Employees under 17	\$2.65

2. Alberta

Effective March 1, 1977

Employees 18 and over	\$3.00
Employees under 18	\$2.85
Students under 18 employed on a part-time basis	\$2.50

3. British Columbia

Effective June 1, 1976

Employees 18 and over	\$3.00
Employees 17 and under	\$2.60

4. Manitoba

Effective September 1, 1976

Employees 18 and over	\$2.95
Employees under 18	\$2.70

5. New Brunswick

Effective November 1, 1976

General Rates	\$2.80
---------------	--------

6. Newfoundland

Effective January 1, 1976

Employees over 16	\$2.50
-------------------	--------

7. Nova Scotia

Effective January 1, 1977

Employees 18 and over	\$2.75
Underage employees 14-18	\$2.50
Inexperienced employees	\$2.50

8. Ontario

Effective March 15, 1976

General rates	\$2.65
Learners (1st month of employment)	\$2.55
Students under 18, employed less than 28 hours per week or during a school holiday	\$2.15

Effective August 1, 1978

General Rate	\$2.85
Learners Rate	\$2.75

Effective January 1, 1979

General Rate	\$3.00
Learners Rate	\$2.90

9. Prince Edward Island

Effective July 1, 1977

Employees 18 and over	\$2.70
Employees under 18	\$2.35

Effective July 1, 1978

Employees 18 and over	\$2.75
Employees under 18	\$2.40

10. Quebec

Effective January 1, 1978

Employees 18 and over	\$3.27
Employees under 18	\$3.07

11. Saskatchewan

Effective January 1, 1977

General rates \$3.00

Effective January 31, 1978

General rates \$3.15

Effective June 30, 1978

General rates \$3.25

12. Northwest Territories

Effective June 7, 1976

Employees 17 and over \$3.00

Employees under 17 \$2.55

13. Yukon Territory

Effective April 1, 1976

General rates \$3.00



### III. HUMAN RIGHTS

60. On April 7, 1978, the Parliament of Canada passed the Miscellaneous Statute Law Amendment Act, 1978.
61. The Act (inter alia) amends subsection 22(2) of the Canadian Human Rights Act to ensure that guidelines concerning application of that Act are binding on any Review Tribunal constituted pursuant to subsection 42.1(2) with respect to the resolution of complaints under Part III regarding a case falling within the description contained in the guideline.
62. Also, the definition of "appropriate Minister" (section 49) to include, where there is no minister, as described in 49(a) a person designated by order in council to be the appropriate Minister.
63. Also amended is the Unemployment Insurance Act, 1971 to ensure that there will be no discrimination on a prohibited ground within the meaning of the Canadian Human Rights Act, or because of political affiliation.
64. Allowance is made, however, for special programs to assist disadvantaged groups, where the disadvantage is based on or related to race, national or ethnic origin, colour, religion, age, sex, marital status or physical handicap.
65. An important Bill which received first reading in the House of Commons was C-43, the Ombudsman Act.
66. The Bill provides for a federal Ombudsman and one or more assistant Ombudsmen who would carry out such duties as would be delegated to them by the Ombudsman.
67. The Ombudsman would investigate decisions, recommendations made, and acts done or omitted in or by any government institution covered by the provisions of the Ombudsman Act.
68. Also, the Ombudsman would perform the duties and functions of Privacy Commissioner as set out in the Canadian Human Rights Act.
69. Complaints could be made to the Ombudsman by individuals and associations or their representatives, by members of Parliament, and the Ombudsman could also act on his or her own initiative.
70. A process of investigation and hearings is provided for, with a resultant report of findings and recommendations to the deputy head or other chief executive officer concerned. A special report to Parliament could also be made.
71. Should the Ombudsman Act be passed by the Parliament of Canada, a detailed report of its provisions will appear in a subsequent issue of the Legislative Review.
72. Alberta passed Bill 40, The Ombudsman Amendment Act, 1978.

73. Among other relatively minor changes, the Act:

- provides for the appointment of an Ombudsman on the recommendation of the Select Standing Committee where the Legislative Assembly is not in session;
- allows the Select Standing Committee on the Offices of the Auditor General and the Ombudsman to provide relief from regulations, orders, directives or decisions made under The Public Service Act, or the Financial Administration Act, 1977;
- prevents access to pre-sentence reports or to information arising under Part 2 or 3 of the Child Welfare Act;
- provides for control of the Ombudsman by the Select Steering Committee on the Offices of the Auditor General and the Ombudsman rather than control by the Lieutenant-Governor in Council.

74. Nova Scotia passed An Act to Amend the Statute Law Respecting Women.

75. The Act amends:

- the Industrial Safety Act to replace references to "youth" and "young girl" with "child";
- the Labour Standards Code to remove the requirement that at least one member of the Labour Standards Tribunal and the Minimum Wage Board be a woman;
- the Mechanics' Lien Act to give equal status to husband and wife in the case of claims;
- the Partnership Act to remove the impression that all partners are necessarily male;
- the Probate Act to ensure that a widow and widower have equal rights to the administration of the estate of a deceased spouse, to permit a court to associate a third person to assist a widower in the administration of an estate, to give a widower the same rights as a widow to keep for his own use and to have omitted from his deceased spouse's estate certain items, to give equal rights to an allowance to both male and female survivors, to remove the preference of male children to female children survivors in case of a partition of land;
- the Solemnization of Marriage Act to require consent of both parents rather than just the father in the case of marriage of a child under 19 years of age;
- the Vital Statistics Act to allow either parent of a legitimate child to complete and submit the statement of birth of the child.

#### IV. INDUSTRIAL RELATIONS

##### A. General

76. On April 20, 1978 Royal Assent was given to Bill C-8, An Act to amend the Canada Labour Code.
77. Among the significant changes made to Part V of the Code are;

##### Definitions

78. "Arbitrator" means a sole arbitrator selected by the parties to a collective agreement or appointed by the Minister under this Part.

##### Canada Labour Relations Board

##### Composition and Operation

79. The Governor in Council is empowered to add up to four additional Vice-Chairmen to the Board, and the office of Secretary is removed.

##### Powers and Duties

80. The Board is empowered to regulate the criteria for determining whether an employee is a member of a trade union.

##### Powers of Board

81. The Board is authorized to order a representation vote whenever such action would assist it to dispose of a question that has arisen or is likely to arise in any proceeding before the Board and to order that the ballots cast be sealed in ballot votes and not counted except as the Board directs.

##### Determination of the wishes of the Board

82. Where the Board is required, in connection with any application, to determine the wishes of the majority of employees in a unit, that determination shall be made as of the date the application is made or as of such other date considered appropriate by the Board.

##### Interim Decision

83. Where an application raises two or more issues, the Board may give a final decision with respect to some, and reserve its jurisdiction with respect to the remaining issues.

Decision Final

84. The Board decision (which includes an order, determination and declaration), except as the Board stipulates, is final, except that appeal lies with the Federal Court of Canada where a principle of natural justice was not observed, or the Board acted beyond or refused to exercise its jurisdiction.

Filing of Board's orders in Federal Court

85. The Board, on request in writing by the person or organization affected by its order or decision, shall file such decision in the Federal Court of Canada, unless, in the opinion of the Board there is no indication of failure or likelihood of failure to comply with the order or decision, or there is other good reason not to file.

Acquisition and Termination of Bargaining Rights

Terms or Conditions of Employment not to be changed

86. An employer is prohibited from changing the terms or conditions of employment while an application for certification is pending and within 30 days after the trade union has been certified as bargaining agent, except pursuant to a collective agreement or with the Board's consent.

Representation Vote

Determination of Union Membership

87. The Board may determine that a person is a member of a trade union even though the person has been admitted to membership without regard to the eligibility requirements.

Conduct of Vote

- 87b. The amendment deletes the provisions for a run-off vote.

Bargaining Agent to fairly represent employees

88. The trade union and every representative must represent, fairly and without discrimination, all employees in the bargaining unit.

Collective Agreements

Provision for final settlement without stoppage of work

89. Differences concerning the interpretation, application, administration or alleged violation of a collective agreement must, in most instances, be settled by arbitration and the Minister of Labour is authorized to appoint the arbitrator or chairman of a board if the parties are unable to agree on their selection and one of them requests him to do so.



Copy to be filed with Minister

90. A copy of every order or decision of an arbitrator or arbitration board must be filed with the Minister.

Decision of Arbitration Board

91. The decision of an arbitration board is that of the majority of the members, except that where a majority cannot agree, the chairman's decision rules.

Arbitration costs, fees and expenses

92. Each party bears its own costs and pays the fees and expenses of members of the arbitration board nominated by it; the fees and expenses of an arbitrator or chairman of a board to be borne equally by the parties, unless the collective agreement otherwise provides or the parties otherwise agree.

Order or decision within sixty days

93. The order or decision of an arbitrator or board must be made or given within sixty days after appointment. Failure to meet the time limit, however, does not invalidate the arbitration proceedings.

Operation of Hiring Halls

94. Where, pursuant to a collective agreement, a trade union is engaged in the referral of persons to employment, it shall apply, fairly and without discrimination, rules established by it for that purpose. "Referral" includes assignment, designation, dispatching, scheduling and selection.

Posting of Rules

95. The referral rules must be kept posted in a conspicuous place in every area of premises occupied by the trade union where persons seeking referral normally gather.

Requirement to establish rules

96. Trade unions engaged in employment referral that have not established rules must do so.

Conciliation and First Agreements

Conciliation Procedures

Report of Commissioner or Board

97. The report of the chairman of a conciliation board is the report of the board in those cases where each member makes a report. Otherwise, as before, the report of the majority is the board report.



#### Settlement of First Agreement

98. The Minister is authorized to refer to the Board, after the point has been reached at which a lawful strike or lockout could occur, a dispute arising out of the failure of an employer and newly certified bargaining agent to enter into a collective agreement. The Board is authorized to settle the terms and conditions of a first agreement for a term of one year binding on the parties except to the extent that such terms and conditions are subsequently amended by the parties by agreement in writing. The Board gives the opportunity for a hearing and takes into account matters that will help to produce a fair and reasonable agreement.

#### No Strike or Lockout until certain requirements met

99. A strike or lockout cannot be declared, caused or authorized until seven days after the Minister releases a copy of a conciliation commissioner's or board's report. Previously the condition was seven days after the Minister received the report.

#### Declarations Relating to Strikes and Lockouts

100. The Board is authorized, at the request of the employer or trade union, to make orders that would prevent or end an illegal strike or lockout.

#### Terms and Duration of Order

101. An order to prevent or end the illegal activity shall be in such terms as the Board considers necessary and sufficient to meet the circumstances of the case and, subject to the following, have effect for the time specified.

#### Application for Supplementary Order

102. The Board may, on application by the employer or trade union that requested the order or any employer, trade union, employee or other person affected thereby, notice of which application has been given to the parties named in the order, by supplementary order, continue the order with or without modification, for such period as is stated in the supplementary order, or revoke the order.

#### Unfair Practices

##### Prohibitions relating to employers

103. An employer or his agent is prohibited from disciplining an employee who proposes to become, or seeks to induce any other person to become, a member, officer or representative of a trade union or participates in the promotion, formation or administration of a trade union.

Complaints to Board

104. The Board is given jurisdiction to hear complaints for failure to comply with new requirements, including terms and conditions of employment not to be changed where application for certification is in process, fair representation and referral, etc.

Board Orders

105. For non-compliance the Board may order compliance and require a trade union to take action on an employee's behalf and require an employer to employ and pay compensation to any person whom the employer had refused to employ, suspended or wrongfully dismissed.

Consent of Board before Prosecution

106. The written consent of the Board rather than that of the Minister to be required for a prosecution under Part V of the Canada Labour Code.

Industrial Inquiry Commission

107. The Industrial Inquiry Commission is authorized to retain, when approved by the Minister, experts, technicians or specialists to assist the Commission in an advisory capacity.

Access to Financial Statements

108. A trade union or employers' organization must provide any of its members, on request, with a free, certified true copy of an annual financial statement of its affairs. The Board may issue an order requiring such a statement to be filed with the Board on a complaint of non-compliance.
109. Nova Scotia passed Bill 27, An Act to Amend Chapter 19 of the Acts of 1972, the Trade Union Act.
110. Besides providing a formula for the sharing of the payment of fees for an arbitration, the Act places the obligation of making a report to the Minister and the parties.

## B. Public Sector

### Civil Servants

#### Federal

111. An Act to amend the Public Service Staff Relations Act (Bill C-28) received First reading on March 8, 1978. The Bill would amend some definitions of the Act, establish the Pay Research Bureau and the Advisory Committee on Pay Research. It also contains provisions regarding compensation matters in arbitral awards and rights and prohibitions relating to strikes and lockouts.

#### Definitions

112. The definition of "employee" would be amended to exclude persons employed in the new managerial occupational category which is added to the Act and persons employed at annual rates of pay equal to or greater than \$33,500. The definition of "person employed in a managerial or confidential capacity" would include every person employed in the Treasury Board Secretariat, persons employed in positions classified in the managerial occupational category or at an annual rate of pay equal to or greater than \$33,500 and persons employed in a position confidential to any person. A definition of "lockout" would also be added to the Act.

#### The Amount of \$33,500 may be Amended

113. The Bill provides that the Governor in Council could by order, amend annually or at other intervals the amount of \$33,500 set out in the definition of "employee" to take into account changes in salary levels in the Public Service. Such order must be laid before Parliament not later than the 15th sitting day of Parliament after it is issued. It will come into force on the 20th sitting day after it has been laid before Parliament unless a motion for the consideration of either House, to the effect that the order be revoked, is filed with the Speaker of the appropriate House.
114. The motion must be filed before the 15th sitting day of Parliament after the order has been tabled and must be signed by not less than 50 members of the House of Commons or 20 members of the Senate. The Bill contains detailed provisions regarding procedural matters for the consideration of the motions.

#### Pay Research Bureau

115. Bill C-28 provides for the establishment of a Pay Research Bureau under the direction of a Director-General who would be responsible to the Chairman of the Public Service Staff Relations Board for the operation of the Bureau. The principal object of the Bureau would be to provide the data necessary to support the processes of collective bargaining in the Public Service.

116. The Bill provides that the Chairman of the PSSRB is to establish an Advisory Committee on Pay Research to advise the Bureau on matters arising in connection with the development and administration of its programs. Members of the Advisory Committee will be the Director-General of the Bureau, and not more than two representatives of each employer and each bargaining agent.

Factors to be considered in Arbitral Awards

117. The factors to be considered by the Board in making an arbitral award are revised by Bill C-28. With respect to compensation, the Board would have to base its awards on a comparison of the aggregate of compensation for similar or analogous occupations or work.
118. In making such comparison the Board would take fair and reasonable account of
- (a) the qualifications required, the work performed, the responsibility assigned and the nature of the service rendered;
  - (b) the need to achieve appropriate differentials in the pay levels within and between occupations in the Public Service and between subordinate and supervisory levels; and
  - (c) relevant geographic, industrial or other variations in pay and other elements of the aggregate of compensation.
119. According to the availability of representative data, the comparison of the aggregate of compensation would be made with organizations from outside the Public Service and from within the Public Service.

Strikes and Lockouts

120. If adopted, the amending Bill would give the employer the right to declare a lockout under specific conditions. Designated employees and those included in a bargaining unit for which the dispute resolution process is by referral to arbitration would not be subject to a lockout however.
121. A lockout could take place where no agreement is in force, where the parties have referred the dispute to a conciliation board and seven days have elapsed from the receipt by the Chairman of the report of the conciliation board, or where the Chairman has notified the parties of his intention not to appoint a conciliation board.
122. Provision is made for the Governor in Council to make an order deferring a legal strike or lockout which occurs or may occur during the period commencing on the date of a dissolution of Parliament and ending on the date fixed for the return of the writs in case of a general election.



The strike or lockout would be deferred until the 21st day following the return of the writs where in the opinion of the Governor in Council an actual or threatened strike or lockout would adversely affect the national interest.

123. The Bill provides that upon application of the bargaining agent, where the Board finds that a lockout is illegal or would be, it may, by order, direct the employer to terminate the lockout or prohibit the employer from declaring or authorizing a lockout. The employer could also apply to the Board for a declaration that a lockout is or would be legal and not in contravention of the Act.

#### Postal Service Operations

124. The Postal Service Operations Act, 1978 (Bill C-45) received Royal Assent on April 20. The purpose of the Bill is to provide for an amendment to the Public Service Staff Relations Act regarding strike action by the Canadian Union of Postal Workers in case of a general election.

#### Strike During a General Election

125. By virtue of Bill C-45, the PSSR Act is deemed to provide that in case of a general election arising from the dissolution of the House of Commons no employee may participate in a strike unless a conciliation board has been established and seven days have elapsed from the later of the date of receipt by the Chairman of the PSSRB of the report of the conciliation board and the date fixed for the return of the writs at the general election.
126. Bill C-45 also provides that the collective agreement between the Treasury Board and the Canadian Union of Postal Workers remains in force until a new agreement is entered into or until the Union may legally declare a strike.

#### Nova Scotia

127. On May 5, Bill 73, An Act Respecting Collective Bargaining in the Civil Service received Royal Assent by the Nova Scotia Legislature. It is a new Act which repeals the Civil Service Joint Council Act.

#### Civil Service Employee Relations Board

128. The Act provides for the establishment by the Governor in Council of the Civil Service Employee Relations Board consisting of three members one of whom act as Chairman. Members will be appointed for a term of five years.
129. The Board has the power to decide whether:
- (a) a person is an employee;
  - (b) the parties to a dispute have settled the terms and conditions to be included in a collective agreement;



- (c) a collective agreement has been entered into;
- (d) a person is bound by a collective agreement;
- (e) a collective agreement is in effect;
- (f) a person practices his profession as a condition of employment;
- (g) there has been every reasonable effort to conclude a collective agreement;
- (h) there has been a violation of provisions regarding unfair practices.

The Board also decides if a question arises as to whether a person is or is not to be included in a bargaining unit.

#### Bargaining Units

- 130. The employer and the Nova Scotia Government Employees' Association may determine by consultation which employees or classes of employees are in a bargaining unit. Where the parties do not agree on the composition of a bargaining unit, the Board must make a determination.
- 131. Bargaining units correspond to eight classification and pay plans which are listed in Schedule A of the Act. The list may be amended as agreed upon by the employer and the Association or as directed by the Board and evidenced by an Order of the Governor in Council.

#### Collective Bargaining

- 132. Where a collective agreement is in force, notice to commence collective bargaining may be given in writing by either party within a period of three months preceding termination of the agreement. Negotiations must commence within 20 clear days after notice has been given or such further time as the parties may agree.
- 133. The Minister of Labour may instruct a conciliation officer to assist the parties where negotiations have not commenced within the time prescribed, where either party has requested conciliation, or in any case in which in the opinion of the Minister it is advisable to do so.
- 134. The conciliation officer must report to the Minister the matters, if any, upon which the Association and the employer have agreed, the matters remaining in dispute and any other matter that he considers relevant or should be brought to the attention of the Minister.
- 135. The Minister may appoint a mediation officer at any time when satisfied that such appointment may bring about a settlement of a dispute.

136. Where the parties fail to reach an agreement, the employer, the bargaining agent or both must refer to the Board the arbitral terms and conditions remaining in dispute and request that an arbitration board be established to resolve those matters. Arbitral terms and conditions of employment are listed in Schedule B of the Act.
137. Upon application for the establishment of an arbitration board, the Civil Service Employee Relations Board may direct the parties to continue collective bargaining if satisfied that the parties have failed to make reasonable efforts to conclude a collective agreement. A board of arbitration may be established if the matters in dispute are arbitral items that can be considered together and if it is an appropriate time to refer the dispute to arbitration.
138. A board of arbitration consists of two members appointed by the parties and a mutually appointed Chairman. In case of failure to make these appointments, they are made by the Civil Service Employee Relations Board.
139. An arbitral award must deal with each arbitral item in dispute and it may be retroactive in whole or in part. It becomes binding on the bargaining agent, every employee in the unit and the employer. Strikes and lockouts are expressly prohibited.
140. In rendering a decision, a board of arbitration must consider any factor that appears to be relevant to the matter in dispute including:
  - (a) the needs of the Province and its agencies for qualified employees;
  - (b) where the employment is comparable or similar employment to that found in both the public and private sectors in the Province, the conditions of employment in the public and private sectors in the Province;
  - (c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications in the civil service;
  - (d) the need to establish terms and conditions of employment that are fair and reasonable in relation to the qualifications required, work performed, the responsibility assumed and nature of services rendered; and
  - (e) the interests of the public.
141. An arbitral award may be amended where it is shown to the satisfaction of the Board that the arbitration board has failed to deal with any matter in dispute or that an error is apparent on the face of the award.

### Grievances

142. Every collective agreement must provide for final settlement without stoppage of work, by adjudication or otherwise, of all differences between the parties to or persons bound by the agreement concerning its meaning or violation.
143. Grievances regarding the interpretation or application in respect of the employer, the Association or an employee of a provision of a collective agreement or disciplinary action resulting in discharge, suspension or financial penalty may be referred to adjudication. The agreement must provide for a grievance procedure and a grievance presented up to and including the final level.
144. An employee may refer a grievance to adjudication if the Association signifies in a prescribed manner its approval of the reference of the grievance to adjudication and its willingness to represent the employee in the proceedings.
145. A grievance is dealt with by a single adjudicator or a board of adjudicators.

### Unfair Practices

146. It is prohibited for an employer to refuse to employ, terminate the employment or discriminate against any person in regard to employment or any term or condition of employment because the person is a member or an applicant for membership in the Association, or participates in a proceeding under the Act, makes a disclosure or files a complaint under the Act.
147. The employer may not intimidate, threat or impose a pecuniary or other penalty or otherwise compel a person from becoming or to cease to be a member, officer or representative of the Association.
148. Except with the consent of the employer, the Association is prohibited from attempting at an employee's place of employment during working hours to persuade the employee to become, refrain from becoming or cease to be a member of the Association.
149. It is also prohibited for the Association to discriminate, intimidate a person or impose a pecuniary or other penalty on a person because he has participated in a proceeding authorized under a collective agreement or the Act, he has made or is about to make a disclosure in a proceeding or has made an application or filed a complaint under the Act.

### Offences and Penalties

150. An employee who contravenes this Act or fails to do anything required of an employee by this Act is guilty of an offence and liable upon summary conviction to a fine of not more than one hundred dollars for each day during which the contravention or failure occurs or continues.



151. Every person acting on behalf of the employer who declares or causes a lockout contrary to this Act is liable upon summary conviction to a penalty not exceeding three hundred dollars for each day that the lockout exists.
152. If the Association declares or authorizes a strike contrary to this Act, it is liable upon summary conviction to a penalty not exceeding three hundred dollars for each day that the strike exists.
153. Every officer or representative of the Association who declares or authorizes a strike contrary to this Act is liable upon summary conviction to a penalty not exceeding three hundred dollars for each day that the strike exists.

#### Teachers

##### Prince Edward Island

154. Regulations under the School Act of Prince Edward Island have been amended in January 1978.
155. The amendment provides that where notice to commence collective bargaining has been given and negotiations have not commenced within the time prescribed or have commenced and continued for 45 calendar days and either party requests the Minister of Labour to appoint a conciliation officer, the Minister must, within seven calendar days of receiving the request appoint a conciliation officer to assist the parties.
156. If the parties fail to adopt a new or revised agreement on the expiry date of the agreement in force, conciliation must cease and a report must be submitted to the Minister of Labour by the conciliation officer.

#### Saskatchewan

157. Bill 22, An Act respecting Elementary and Secondary Education in Saskatchewan, received First reading on March 23. The Bill would repeal several Acts including The Teacher Collective Bargaining Act, 1973.
158. The provisions of Bill 22 dealing with collective bargaining would provide for the establishment of bargaining committees to negotiate agreements at the provincial level and at the local level.
159. At the provincial level, the bargaining committees would negotiate salaries of teachers, allowances for principals and vice-principals superannuation and group life insurance for teachers, the criteria respecting the designation of persons as not being teachers within the meaning of any provision of the Act pertaining to collective bargaining, the period of duration of a provincial agreement, sick leave for teachers and other related matters.

160. A local agreement between a board of education and the teachers employed by it would cover sabbatical leave and educational leave for teachers, salaries for substitute teachers, the period of duration of a local agreement, pay periods and special allowances for teachers.
161. A collective agreement may not include terms regulating the selection of teachers, the administrative and instructional duties of teachers or the nature or quality of an instructional program.

#### Negotiations

162. Negotiations to conclude any collective agreement must commence not later than 100 days before the date of expiration of an agreement.
163. In the case of a provincial agreement, the notice must be sent to The Saskatchewan School Trustees' Association and in the case of a local agreement, to the board of education employing the teachers represented by the bargaining committee. In either case a copy of the notice must be filed with the chief executive officer of The Educational Relations Board.
164. The Bill provides for the continuation of The Educational Relations Board consisting of five members appointed by the Lieutenant-Governor in Council. The chairman and the other members are appointed for a term of four years and are eligible for reappointment.

#### Mediation

165. Provision is made that where a dispute arises between the parties to negotiations, either party may by notice in writing advise the chairman of the Board that it desires mediation services. A mediator or a team of mediators is appointed by the chairman to confer with the parties and assist them in reaching an agreement. A mediation report must be made to the Board within 14 days of the date of appointment of the mediator or mediation team, or within such longer period as the chairman may determine.
166. Mediation may be requested where neither party has decided to refer the dispute to arbitration. A mediator may also be appointed at any time by the Board where satisfied that it would be desirable.

#### Arbitration

167. Either party may request arbitration of a dispute. The party requesting the arbitration must specify in a notice to the chairman of the Board the matters in respect of which it requests arbitration and its proposals concerning the award to be made and the name of the person it appoints as a member of the arbitration board.
168. An arbitration board consists of two members appointed by the parties and a mutually appointed chairman. The terms of reference of the arbitration board are the matters in dispute between the parties that are specified in the notice to the chairman of The Educational Relations Board.



169. An arbitration board determines its own procedure and a decision of the majority of the members or failing a majority decision, the decision of the chairman is an award of that board. An award is final and binding on the parties to the arbitration.
170. Certain matters may be referred back to the board of arbitration where it appears to either party that the board has failed to deal with these matters.

#### Conciliation

171. A dispute may be referred to conciliation by request of either party to The Educational Relations Board. The chairman of the Board establishes a conciliation board and informs the parties of its establishment. Where the chairman considers that a conciliation board is unlikely to assist the parties in reaching agreement he notifies the parties of his intention not to appoint a board of conciliation as requested.
172. A conciliation board consists of three members one of whom acts as chairman. A decision must be rendered within 14 days from the establishment of the conciliation board unless the time period is extended by agreement of the parties or by the chairman of The Educational Relations Board.
173. Before a conciliation report is made, the parties may agree in writing to be bound by the report. The report then becomes binding on both parties.
174. Where a collective agreement is not concluded by the parties within 20 days after the report of the conciliation board has been forwarded to the parties, they may jointly request in writing that the chairman of The Educational Relations Board refer the dispute to an arbitration board.

#### Arbitration of Grievances

175. Except as otherwise provided in a collective agreement, a grievance involving the interpretation, application or alleged violation of an agreement will not be referred to arbitration until a complaint in writing is filed by a party to the grievance with the other party and negotiations have failed to result in a settlement of the grievance within 15 days.
176. Either party to an agreement may by notice in writing to the other party require that any grievance be resolved by arbitration. An arbitration board is established to hear and decide the matter. The arbitration board consists of two members appointed by the parties and a mutually appointed chairman.

## V. OCCUPATIONAL SAFETY AND HEALTH

177. During the last five months, changes have been made to the occupational safety and health legislation of several jurisdictions. Among these changes, British Columbia has issued new Industrial Health and Safety Regulations, important amendments have been made to Part IV "Safety of Employees" of the Canada Labour Code and legislation has been adopted to establish the Canadian Centre for Occupational Health and Safety.

### General Safety and Health

178. The federal jurisdiction has amended the Canada Labour Code which applies to workers employed upon or in connection with the operation of any federal work, undertaking or business. The amendments described below will come into force on September 1, 1978.

### Right to Refuse Dangerous Work

179. Where a person has reasonable cause to believe that the use or operation of a machine, device or thing would constitute an imminent danger to his safety or health or that of another employee, or that a condition exists in any place which would constitute an imminent danger to his own safety or health, that person may refuse to use or operate the machine, device or thing or to work in the place.
180. An employee must then, immediately report the circumstances of the matter to his employer or the person having control or direction over him and to the appropriate safety and health committee, if any, established in accordance with a notice in writing of the Minister.
181. The employer or person having control or direction over the employee must forthwith on receipt of such a report, investigate it in the presence of the employee and in the presence of:
1. at least one person who does not exercise managerial functions and is a member of the safety and health committee, if any, to which a report was made in respect of the matter;
  2. a person authorized by the trade union, if any, that represents the employee; or
  3. where there is no safety or health committee or trade union concerned, at least one person selected by the employee.
182. Where the employer or the person having control or direction over the employee disputes the report or takes steps to make the machine, device, thing or place safe and the employee has a reasonable cause to believe that the condition of imminent danger continues to exist, he may continue to refuse to use or operate the machine, device or thing or to work in the place.

183. In this event, the employer or person having control or direction over the employee and the employee must each forthwith notify a safety officer who must immediately, on receipt of either notification, investigate or cause another safety officer to investigate the matter in the presence of the employer or such person and the employee or another person that he has selected.
184. Following his investigation, the safety officer must make a decision as to whether or not the condition of imminent danger reported exists. If it is found to exist, the safety officer must give such direction under particular provisions of the Code as he considers appropriate and the employee may continue to refuse to use or operate the machine, device or thing or to work in the place until the direction is complied with or until it is varied or rescinded by the Canada Labour Relations Board.
185. If the safety officer decides that there is no condition of imminent danger, the employee is not entitled under the legislation, to continue to refuse to use or operate the machine, device or thing or to work in the place, but he may, by notice in writing given within seven days of receiving notice of the decision, require the safety officer to refer his decision to the Canada Labour Relations Board.
186. Where such a decision of a safety officer is referred to it, the Canada Labour Relations Board must inquire into the circumstances of the decision and the reasons therefor without delay and in a summary way. It must confirm the decision or give any appropriate direction that a safety officer is required or entitled to give under the Code, in respect of a place, matter or thing that he considers constitutes a source of imminent danger.
187. For the purposes of these provisions, "imminent danger" includes a situation that is not normal for a particular occupation or one to which a worker would not normally be subject. It is specified that a condition in any place where any radiation safety level set by either the federal or provincial government has been exceeded, constitutes an "imminent danger" to the health and safety of an employee.
188. If the Minister of Labour is satisfied that a collective agreement contains provisions that are at least as effective as those just described in protecting the employees to whom it relates from imminent danger to their safety or health, he may, on the joint application of the parties to the agreement, exclude the employees from the application of those provisions for the period during which the agreement remains in force.

#### Safety and Health Committees

189. The Minister of Labour may, from time to time, by notice in writing require or authorize any employer to establish or cause to be established a safety and health committee for a federal work, undertaking or business, where in his opinion, conditions therein warrant it.



190. The number of members of a committee is prescribed by regulation. At least one half of those members must be persons employed upon or in connection with the work place concerned, who do not exercise managerial functions and who have been selected by such persons or by one or more trade unions, if any.

191. The powers and functions of a committee are:

1. the receipt, consideration and expeditious disposition of complaints relating to the health and safety of the employees represented by the committee;
2. the maintaining of records pertaining to disposition of complaints relating to the health and safety of the employees represented by the committee;
3. the receipt, consideration and expeditious disposition of each safety officer's report, including any recommendation for closing down based on unsafe working conditions;
4. co-operating with any occupational health service established to serve the place of employment;
5. the establishment and promotion of health and safety programs for the education of the employees represented by the committee;
6. participation in all enquiries and investigations on matters pertaining to occupational health and safety including such consultations as may be necessary with persons who are professionally or technically qualified to advise the committee on such matters;
7. developing, establishing and maintaining programs, measures and procedures for the protection or improvement of the health and safety of employees;
8. monitoring programs, measures and procedures related to the health and safety of employees on a regular basis;
9. ensuring that adequate records are kept on work accidents and injuries and health hazards and monitor data obtained therefrom on a regular basis;
10. co-operating with government safety officers;
11. requesting from an employer or any other person acting on his behalf such information as the committee considers necessary to identify existing or potential hazards with respect to materials, processes or equipment; and
12. full access to all government and employer reports relating to the health and safety of the employees represented by the committee.

192. A committee must meet during regular working hours at least once each month and as required whether or not during regular working hours, in case of emergency or other special circumstance.
193. A member of a committee is entitled to such time from his work as is necessary to attend meetings or to carry out any other functions as a member of the committee. Any time spent by the member while carrying out any of his functions as a member of the committee must, for the purpose of calculating his wages, be deemed to have been spent at his work.
194. No member of a committee is personally liable for anything done by him in good faith under the purported authority of the section of the Code dealing with safety and health committees or any regulations made under it.
195. The Minister of Labour may undertake programs to promote and encourage, for federal works, undertakings or businesses, the establishment of voluntary safety and health committees composed of members representative of persons who do and persons who do not exercise managerial functions. He may provide technical and other advisory services to such voluntary committees as well as to those he has required or authorized to be established.

#### Employees' Right to Complain

196. Where an employee has acted in accordance with the provisions dealing with the right to refuse to work in conditions of imminent danger, an employer or any person in charge of the operation of any federal work, undertaking or business is guilty of an offence if he suspends, discharges or imposes any financial or other penalty on that employee, including the refusal to pay him remuneration in respect of any period of time during which the person would, if he were not acting in accordance with these provisions, have been working. Is also guilty of an offence, an employer or a person acting on his behalf who takes any other disciplinary action or threatens to take any action mentioned in this paragraph against such employee.
197. An employee who has acted in compliance with the legislation, may make a complaint in writing to the Canada Labour Relations Board of an alleged contravention of the provision just described. The complaint must be submitted within the time limit prescribed by the legislation and cannot be referred by the employee to arbitration pursuant to a collective agreement.
198. Such a complaint is itself evidence that the failure to comply with the provision actually occurred. If any party to the complaint proceedings alleges that such failure did not occur, the burden of proof thereof is on that party.



199. Where it determines that an employer or a person acting on his behalf has contravened the provision mentioned above, the Board may, by order, require such person to comply with it and, where applicable, require the employer to:
1. permit to return to the duties of his employment any person employed by him who has been affected by that contravention;
  2. reinstate any former employee affected by that contravention as a person employed by him;
  3. pay to any employee or former employee affected by that contravention, compensation not exceeding such sum as, in the opinion of the Board, is equivalent to the remuneration that would, but for that contravention, have been paid by the employer to that person; and
  4. rescind any disciplinary action taken in respect of and pay compensation to any employee affected by that contravention, not exceeding such sum as, in the opinion of the Board, is equivalent to any financial or other penalty imposed on the employee by the employer.
200. Also constitutes an offence by an employer or a person acting on his behalf, the failure or neglect to furnish a safety and health committee established in accordance with a notice in writing of the Minister, with any information requested by it to identify existing or potential hazards with respect to materials, processes or equipment.
201. New Industrial Health and Safety Regulations have been adopted under the British Columbia Workers' Compensation Act. Effective January 1, 1978, they have replaced the Accident Prevention Regulations and the regulations dealing with compressed air and submarine diving.
202. Extensive revisions and additions have been made to the regulations. They are the result of more than three years of preparation by the Workers' Compensation Board's Accident Prevention and Industrial Hygiene Departments, in co-operation with management and labour.
203. Many sections of the regulations have undergone major revision and the following are new:
- . Accident reports and investigations
  - . Underwater diving
  - . Health hazards and work environment controls
  - . Metal cleaning, abrasive blasting, chemical treating, plating and similar operations
  - . Garages and vehicle repair shops
  - . Aircraft operations
  - . Asbestos
  - . Operations involving lead and lead compounds

- . Plastics and resins
- . Work in compressed air
- . Laboratories

204. The following sections are not new but have been rewritten or revised extensively:

- . Welding, burning and soldering
- . Underground workings
- . Control of rock dust
- . Logging

205. Among other things, the new regulations stipulate that no person may carry out or cause to be carried out any work process or may operate or cause to be operated any tool, appliance or equipment when it is reasonably foreseeable that to do so would create an imminent danger to his health or safety or that of any other worker.

The terms "imminent danger" mean, in relation to any occupation, a danger which is not normal for that occupation, or a danger under which a person engaged in that occupation would not normally carry out his work.

206. In Saskatchewan, an Act to repeal the Factories Act which was assented to December 19, 1973 has been proclaimed into force effective January 2, 1978.

#### Radiation

207. Newfoundland has enacted the Radiation Health and Safety Act which will come into force on proclamation.

208. The terms "radiation equipment" are defined in the Act so as not to include any radioactive substance that is licensable under the Atomic Energy Control Act (Canada). "Radiation installation" means any premises or part thereof in which radiation equipment is manufactured, repaired, used or tested.

209. The Act provides for the appointment of a Director of Occupational Health whose duties and functions are prescribed by the Act, the regulations or the Minister charged with the administration of the Act by the Lieutenant-Governor in Council.

210. Every owner is required by the legislation to register with the Director all radiation installation and equipment under his control.

211. The Minister may direct the owner of radiation equipment to fulfill responsibilities enumerated in the Act and which relate to the health and safety of workers.

212. Inspection powers are provided in the Act and the owner of radiation equipment must, when required by an inspector on the advice of a medical inspector, arrange for the medical examination of radiation workers he employs. The examination must be prescribed by a medical inspector and must include such special tests as he may deem necessary or as may be prescribed by regulations. The report of the examination must be submitted to the medical inspector within a reasonable time after the examination.
213. Requirements are laid down regarding the approval by the Minister of the installation of radiation equipment.
214. The owner of radiation equipment must organize the use of such radiation equipment so that a radiation worker is unlikely to be exposed to doses in excess of the maximum permissible dose of radiation defined by the regulations.
215. Where, in the course of application of X-rays to patients, it is not feasible for a radiation worker to be limited to the exposure just mentioned, the owner must take all reasonable steps to minimize it, including those prescribed by the Director.
216. Where a radiation worker is also an "atomic energy worker" under the Atomic Energy Control Regulations (Canada) and where his total exposure for this reason may be due to X-rays and to other radiations of similar effect on the human body, the owner of the radiation equipment who employs him, must restrict the part of his exposure that is due to X-rays so that his combined dose is unlikely to exceed the limits specified in the federal regulations mentioned above.
217. Provisions are made for the appointment of a Radiation Health and Safety Advisory Committee whose duties are described in the Act.
218. A person guilty of an offence under the Act is liable on summary conviction to a maximum fine of five thousand dollars and in default of payment to imprisonment for a term not exceeding one year or to both.

#### Explosives

219. An Act to amend the Explosives Act, assented to on June 26, 1975, has been proclaimed into force as of March 31, 1978 by the Government of Canada.
220. The main goal of the amendments is to modernize the terminology of the Act, to provide for a more efficient control over the purchase, possession and transportation of explosives and also to increase certain penalties.



#### First-Aid

221. Quebec has revised its regulation concerning first-aid services issued under the Workmen's Compensation Act. The amendments to the regulation became necessary to avoid higher risks to the health and safety of workers in certain types of industries, by reason of the scale of the activities, the isolation of the work sites and the climatic conditions which prevail in those places.

#### Centre for Occupational Health and Safety

222. The Parliament of Canada has enacted the Canadian Centre for Occupational Health and Safety Act which will come into force on proclamation.
223. The purpose of the Act is to promote the fundamental right of Canadians to a healthy and safe working environment by creating a national institute (the Canadian Centre for Occupational Health and Safety) concerned with the study, encouragement and co-operative advancement of occupational health and safety, in whose governing body the interests and concerns of workers, trade unions, employers, federal, provincial and territorial authorities, professional and scientific communities and the general public will be represented.

#### Objects of the Centre

224. The objects of the Centre are:
1. to promote health and safety in the work place in Canada and the physical and mental health of working people;
  2. to facilitate consultation and co-operation among federal, provincial and territorial jurisdictions, and participation by labour and management in the establishment and maintenance of high standards of occupational health and safety appropriate to the Canadian situation;
  3. to assist in the development and maintenance of policies and programs aimed at the reduction or elimination of occupational hazards; and
  4. to serve as a national centre for statistics and other information relating to occupational health and safety.

#### Activities and Powers of the Centre

225. The Centre may, in furtherance of its objects:
1. promote, assist, initiate and evaluate research;
  2. establish and operate systems and facilities for collecting, recording, processing, analysing, evaluating and disseminating statistics and other information;

3. publish and otherwise disseminate scientific, technological and other information;
4. provide advice, information and service relating to existing or anticipated occupational health and safety problems to workers, trade unions, employers, government, and national, provincial and international organizations and the public;
5. support and facilitate the training of personnel in and for the field of occupational health and safety;
6. sponsor and support public meetings, conferences and seminars;
7. give recognition to public or private organizations or individuals for outstanding contributions in the field of occupational health and safety; and
8. do such other things as are conducive to the carrying out of its objects.

#### Briefs and Other Representations

226. The Centre will consider briefs and other written representations submitted to it on matters relating to occupational health and safety and may arrange public forums concerning them.

#### Administration of the Centre

227. The Act contains provisions dealing with the composition of a Council which governs the Centre.
228. The position of President of the Centre is also provided for. The President is the chief executive officer of the Centre, has supervision over and direction of its work and staff; he is the chairman of an executive board set up by the Act and must perform the duties assigned to him by the Council.

#### Advisory and Other Committees

229. The Centre may, in accordance with the by-laws made by the Council, appoint advisory or other committees.

#### Annual Report

230. Each year, the Council must report to Parliament on the activities of the Centre via the Minister who is designated by the Governor in Council. He must cause the report to be laid before Parliament not later than the tenth sitting day after he receives it at the same time as the report is provided to the provinces and territories.



Results of Research

231. The results of research assisted or initiated by the Centre must be made available to the public within 90 days after becoming available to it.

## VI. WORKERS' COMPENSATION

232. Few amendments have been made to the workers' compensation legislation.

### Coverage

233. Effective January 1, 1978, the Saskatchewan Workers' Compensation Act, 1974, stipulates that the Act applies to commercial air services licenced for such purpose by the Canadian Transport Commission and having a place of business within the province.

### Earnings Ceiling

234. In the Yukon Territory, the earnings ceiling has been increased from \$13,000 to \$17,000 on January 1, 1978.

### Workers' Compensation Board

235. Amendments to the British Columbia Workers' Compensation Act provide that the Workers' Compensation Board consists of such members as may be appointed by the Lieutenant-Governor in Council not exceeding five.
236. The Lieutenant-Governor in Council may also appoint a commissioner as Vice-Chairman of the Board and may prescribe the terms and conditions of his appointment.

## DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, most Bills are referred to a committee to undergo detailed study and possible amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole house.

After third reading and adoption, a Bill then must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. This date may be indeterminate.

An index of Bills introduced or passed during the current period is attached to this report. The date of disposition of Bills is mentioned unless the information was not available (N.A.) at the time the index was prepared.

INDEX OF BILLS

January 1, 1978 - May 31, 1978

Legislature	Bill No.	Title	Disposition
Federal 1977-78		<u>Government Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-7	An Act to amend the Corporations and Labour Unions Returns Act	2nd reading 03/03/78
	C-8	An Act to amend the Canada Labour Code	Proclaimed in Stages 01/06/78 01/07/78 01/09/78
1978	C-28	An Act to amend the Public Service Staff Relations Act	1st reading 08/03/78
	C-35	An Act to establish the Canadian Centre for Occupational Health and Safety	Royal Assent 20/04/78
	C-41	An Act to correct certain anomalies, inconsistencies, archaisms, errors and other matters of a non-controversial and uncomplicated nature in the Revised Statutes of Canada, 1970 and other Acts subsequent to 1970	Royal Assent 12/04/78
	C-45	An Act to provide for the continuation of regular postal service operations	Royal Assent 20/04/78
	C-49	An Act to amend the Financial Administration Act (garnishment)	1st reading 26/04/78
	C-53	An Act to promote public safety and the protection of the environment in the transportation of dangerous goods	1st reading 05/05/78
1977-78		<u>Private Members' Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-219	An Act to amend the Public Service Staff Relations Act	1st reading 31/10/77

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-223	An Act to amend the Canada Labour Code (certification of union)	1st reading 31/10/77
	C-224	An Act to amend the Railway Act (noise abatement)	1st reading 31/10/77
	C-228	An Act proclaiming the Canadian Flag Day a national holiday	1st reading 31/10/77
	C-229	An Act to protect the Canadian environment by instituting mandatory impact assessment procedures prior to the construction of installations potentially damaging to the environment	1st reading 31/10/77
	C-234	An Act respecting National Heritage Day	1st reading 31/10/77
	C-235	An Act to amend the Public Service Staff Relations Act and the Canada Labour Code to provide for the establishment of sector bargaining	1st reading 31/10/77
	C-238	An Act respecting the age of retirement	1st reading 31/10/77
	C-243	An Act respecting a Canadian Bill of Rights for Children	1st reading 31/10/77
	C-249	An Act to amend the Canada Labour Code (right of worker to refuse to work in unsafe conditions)	1st reading 31/10/77
	C-257	An Act to amend the Indian Act (rights of Indian women)	1st reading 31/10/77
	C-263	An Act to amend the Public Service Employment Act (discrimination as to age or physical handicap or health)	1st reading 31/10/77
	C-270	An Act respecting the conditions under which public servants may accept employment upon leaving the public service	1st reading 31/10/77



Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-272	An Act to amend the Public Service Employment Act (Canadian citizens)	1st reading 31/10/77
	C-278	An Act respecting Magna Carta Day	1st reading 31/10/77
	C-282	An Act respecting the implementation of International Labour Organization Convention 96, concerning fee charging employment agencies	1st reading 31/10/77
	C-283	An Act to amend the Canada Labour Code (strike or lock-out)	1st reading 31/10/77
	C-284	An Act to amend the Canada Labour Code (increased minimum hourly wage)	1st reading 31/10/77
	C-286	An Act to amend the Canada Labour Code	1st reading 31/10/77
	C-289	An Act to amend the Canada Labour Code (right of worker to appeal dismissal)	1st reading 31/10/77
	C-291	An Act to amend the Canada Labour Code (notice of termination of employment)	1st reading 31/10/77
	C-292	An Act respecting Sir John A. Macdonald Day	1st reading 31/10/77
	C-296	An Act to amend the Holidays Act	1st reading 31/10/77
	C-309	An Act to amend the Canada Labour Code (right of worker to refuse to work overtime)	1st reading 31/10/77
	C-311	An Act to amend the Canadian Human Rights Act (controlled illness)	1st reading 31/10/77
	C-312	An Act to amend the Canada Labour Code (provision for ten general holidays with pay)	1st reading 31/10/77

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-326	An Act respecting noise in factories	1st reading 31/10/77
	C-338	An Act to amend the Canadian Citizenship Act (time off without loss of pay for appearance in Citizenship Court)	1st reading 31/10/77
	C-339	An Act to amend the Public Service Employment Act (oaths and confi- dential information)	1st reading 31/10/77
	C-345	An Act to establish the Office of Ombudsman	1st reading 31/10/77
	C-354	An Act to amend the Canada Labour Code	1st reading 31/10/77
	C-355	An Act to amend the Canada Labour Code (three weeks annual vacation after three years)	1st reading 31/10/77
	C-366	An Act to encourage the growth of the reserve force of the Canadian Forces	1st reading 31/10/77
	C-376	An Act to amend the Public Service Staff Relations Act	1st reading 31/10/77
	C-382	An Act to amend the Canada Elections Act (leave of absence)	1st reading 31/10/77
	C-384	An Act respecting employment with the Government of Canada not covered by the Public Service Employment Act	1st reading 31/10/77
	C-385	An Act to amend the Department of Employment and Immigration Act (handicapped persons)	1st reading 31/10/77
	C-393	An Act respecting the age of retirement	1st reading 31/10/77

Legislature	Bill No.	Title	Disposition
Federal (continued)		<u>Private Members' Bills</u> <u>3rd Session, 30th Parliament</u>	
	C-394	An Act to amend the Public Service Staff Relations Act (strike ballots)	1st reading 31/10/77
1978	C-427	An Act to amend the Canada Labour Code (motor vehicle undertakings)	1st reading 15/03/78
	C-445	An Act to amend the Canadian Human Rights Act (private sector compliance)	1st reading 04/04/78
	C-452	An Act to amend the Canada Labour Code (right to work)	1st reading 02/05/78
	C-453	An Act to amend the Lord's Day Act (penalties)	1st reading 04/05/78
	C-456	An Act to amend the Canada Labour Code (right to work)	1st reading 24/05/78
	C-458	An Act to amend the Canada Labour Code (safety of employees)	1st reading 25/05/78
Alberta		<u>Government Bills</u>	
	21	The Workers' Compensation Amendment Act, 1978	Royal Assent 16/05/78
	40	The Ombudsman Amendment Act, 1978	Royal Assent 16/05/78
		<u>Private Members' Bills</u>	
	31	The Hazardous Chemicals Act	2nd reading 04/05/78
	201	An Act Respecting the Right of the Public to Information Concerning the Public Business	1st reading 13/03/78
	210	An Act to Amend The Fire Prevention Act	1st reading 13/03/78
	215	An Act to Amend The Individual's Rights Protection Act (no.2)	1st reading 14/03/78

Legislature	Bill No.	Title	Disposition
Alberta (continued)		<u>Private Members' Bills</u>	
	231	An Act to Amend The Individual's Rights Protection Act	1st reading 10/03/78
	237	An Act to Amend The Individual's Rights Protection Act (no.3)	1st reading 20/03/78
Manitoba		<u>Government Bills</u>	
	11	An Act to amend The Retail Businesses Holiday Closing Act	1st reading 20/04/78
	28	An Act to amend The Payment of Wages Act	1st reading 17/05/78
		<u>Private Members' Bills</u>	
	6	The Freedom of Information Act	1st reading 06/04/78
	32	An Act to amend The Human Rights Act	1st reading 11/05/78
Newfoundland 1977		<u>Government Bills</u>	
	34	Labour Standards Act	Royal Assent 07/06/77
1978	8	An Act to Amend The Industrial Standards Act	N/A
	24	An Act Respecting Occupational Health and Safety In The Province	N/A
Nova Scotia		<u>Government Bills</u>	
	25	An Act to Amend Chapter 5 of the Acts of 1977, the Building Code Act	Royal Assent 05/05/78
	27	An Act to Amend Chapter 19 of the Acts of 1972, the Trade Union Act	Royal Assent 05/05/78
	73	An Act Respecting Collective Bargaining in the Civil Service	Royal Assent 05/05/78
	98	An Act to Amend the Statute Law Respecting Women	Royal Assent 05/05/78

Legislature	Bill No.	Title	Disposition
Nova Scotia (continued)		<u>Private Members' Bills</u>	
	9	An Act to Amend Chapter 343 of the Revised Statutes of 1967, the Workmen's Compensation Act	1st reading 10/02/78
	20	An Act to Amend Chapter 19 of the Acts of 1972, the Trade Union Act	1st reading 20/02/78
	59	An Act to Amend Chapter 10 of the Acts of 1973, the Labour Standards Code	1st reading 31/03/78
	60	An Act Respecting the Age of Retirement	1st reading 03/04/78
Ontario		<u>Private Members' Bills</u>	
	2	An Act to amend The Employment Standards Act, 1974	1st reading 21/02/78
	13	An Act to amend The Proceedings Against the Crown Act	1st reading 02/03/78
	38	An Act respecting Family Day	1st reading 14/03/78
	39	An Act to amend The Labour Relations Act	1st reading 14/03/78
	40	An Act to provide for the Economic Equality of the Sexes	1st reading 14/03/78
	46	An Act to amend The Workmen's Compensation Act	1st reading 28/03/78
	47	An Act respecting the Age of Mandatory Retirement	1st reading 28/03/78
	53	An Act to provide for Freedom of Information	1st reading 30/03/78
	65	An Act to amend The Labour Relations Act	1st reading 14/04/78
	67	An Act to regulate the Manufacture, Sale and Servicing of Portable Fire Extinguishers	1st reading 20/04/78



Legislature	Bill No.	Title	Disposition
Ontario (continued)		<u>Private Members' Bills</u>	
	92	An Act respecting the Rights of Non-Unionized Workers	1st reading 18/05/78
	97	An Act to amend The Employment Standards Act, 1974	1st reading 25/05/78
	98	An Act to provide for Residence Requirements for Construction Workers Employed in Ontario	1st reading 25/05/78
Prince Edward Island		<u>Government Bills</u>	
	11	An Act to Amend the Workers' Compensation Act	1st reading 16/03/78
Quebec		<u>Government Bills</u>	
	16	An Act to amend the Electricians and Electrical Installations Act and the Building Contractors Vocational Qualifications Act	2nd reading 02/05/78
	17	An Act to amend the Stationary Enginemen Act	2nd reading 02/05/78
	18	An Act to amend the Pipe-Mechanics Act and to again amend the Building Contractors Vocational Qualifications Act	2nd reading 02/05/78
	85	An Act to amend the Probation and Houses of Detention Act	2nd reading 18/04/78
Saskatchewan		<u>Government Bills</u>	
	22	An Act respecting Elementary Secondary Education in Saskatchewan (The Education Act)	3rd reading 04/05/78
	44	An Act to Amend The Married Women's Property Act	3rd reading 27/03/78

Legislature	Bill No.	Title	Disposition
Saskatchewan (continued)		<u>Private Members' Bills</u>	
	17	An Act to Amend The Fair Accommodation Practices Act	1st reading 17/03/78
	18	An Act to Amend The Fair Employment Practices Act	1st reading 17/03/78
	19	An Act to Amend The Saskatchewan Bill of Rights Act	1st reading 17/03/78
	20	An Act to Amend The Saskatchewan Human Rights Commission Act, 1972	1st reading 17/03/78
	33	An Act respecting the Right of the Public to Government Information	1st reading 07/04/78
	35	An Act to Amend The Ombudsman Act, 1972	1st reading 11/04/78
	66	An Act to Amend The Married Women's Property Act	3rd reading 09/05/78





CAI  
L11  
- L26

# LEGISLATIVE REVIEW

NUMBER 12  
MAY 31, 1979



Labour  
Canada

Travail  
Canada





# **LEGISLATIVE REVIEW**

**NUMBER 12  
MAY 31, 1979**

Labour Canada  
Legislative Analysis

Published by Authority of the Honourable Lincoln Alexander,  
Minister of Labour, Government of Canada

(Cette publication est également disponible en français  
sous le titre Revue de la législation.)

Minister of Supply and Services Canada, 1979  
ISSN 0317-7459  
Cat. No. L12-12/11-1979

## FOREWORD

The Legislative Review is an annual report which describes pertinent labour legislation enacted by the federal, provincial and territorial governments.

Issue No. 12 covers the period from June 1, 1978 to May 31, 1979. It sets out enactments in the fields of employment standards, industrial relations, occupational safety and health and workers' compensation.

The present issue is co-authored by Nicole Marchand, Michel Gauvin, and Normand Poisson.

The co-ordination of the material contained in this publication was the responsibility of Michel Gauvin.

R.W. Crowley,  
Director-General,  
Central Analytical  
Services,  
Labour Canada.

J.P. Whitridge,  
Director,  
Library and  
Legislative Analysis,  
Labour Canada.





## LEGISLATIVE REVIEW

June 1, 1978 - May 31, 1979\*

	<u>Page</u>
I. Employment Standards	1
II. Industrial Relations	9
A. Legislation of General Application	9
B. Public Sector	14
C. Ad Hoc and Preventive Legislation	20
D. Construction Industry	24
III. Occupational Safety and Health	25
IV. Workers' Compensation	40
Disposition of Bills	45
Index of Bills - June 1, 1978 - May 31, 1979	46

---

\*Bills and regulations not received in time for the printer's deadline will be included in the next issue.

<u>Contents</u>	<u>Paragraphs</u>
I. Employment Standards	1 - 43
Federal	2 - 7
Exclusion	3
Averaging Period	4
General Holidays	5
Keeping Records	6
Hours of Work	7
Manitoba	8 - 11
Exclusion	9
Minimum Wage	10 - 11
Newfoundland	12 - 25
Proclamation	13
Hours of Work	14
Public Holidays	15
Weekly Day of Rest	16
Overtime	17 - 18
Minimum Wage	19 - 22
Termination of Employment	23 - 24
Shops Closing	25
Ontario	26 - 28
Exclusion	27
Minimum Wage	28
Quebec	29 - 42
Maternity Leave	30 - 38
Public Holidays	39 - 42
Minimum Wage Rates	43
II. Industrial Relations	44 - 160
A. Legislation of General Application	44 - 72
Ontario	44 - 53
Referral of Grievances to a Single Arbitrator	45
Request for Reference	46 - 47
Arbitrators and Settlement Officers	48

<u>Contents</u>	<u>Paragraphs</u>
Oral Decisions	49
Approval of Arbitrators	50
Application	51
Regulatory Powers	52 - 53
New Brunswick	54 - 63
Onus of Proof in Unfair Labour Practices	55
Mandatory Representation Vote	56 - 58
Decertification	59
Parties to a Collective Agreement	60 - 61
Notice of Intention to Strike or Lockout	62
Associated Business	63
Federal	64 - 69
CALURA	64 - 65
Labour Gazette	66 - 67
Collective Bargaining Information Centre	68 - 69
Newfoundland	70 - 72
B. Public Sector	73 - 121
Civil Servants	73 - 101
Federal	73 - 78
British Columbia	79 - 82
Newfoundland	83
Ontario	84 - 90
Quebec	91 - 101
Teachers	102 - 120
Manitoba	102 - 110
Newfoundland	111 - 118
Ontario	119 - 120
Police	121
Newfoundland	121
C. Ad Hoc and Preventive Legislation	122 - 151
Ad Hoc Legislation	122 - 147
Federal	122 - 132
British Columbia	133 - 137
Ontario	138 - 147

<u>Contents</u>	<u>Paragraphs</u>
Preventive Legislation	148 - 151
Alberta	148 - 151
D. Construction Industry	152 - 160
Quebec	152 - 155
Saskatchewan	156 - 160
III. Occupational Safety and Health	161 - 247
Introduction	161
New Act in Ontario	162 - 208
Application	163 - 165
Administration	166
Health and Safety Representatives	167 - 173
Health and Safety Committees	174 - 184
Toxic Substances	185 - 190
Right to Refuse Dangerous Work	191 - 200
Reprisals by Employer Prohibited	201 - 204
Powers of Inspectors	205
Offences and Penalties	206 - 207
Legislation Replaced	208
New Act in Newfoundland	209 - 241
Application	210
Duties of Employers and Workers	211
Occupational Health and Safety Council	212 - 214
Occupational Health and Safety Division	215 - 218
Enforcement	219
Codes of Practice	220
Occupational Health and Safety Committees	221 - 226
Worker Health and Safety Representatives	227 - 228
Right to Refuse Dangerous Work	229 - 234
Protection against Disciplinary Action	235 - 238
Medical Examinations	239
Offences	240 - 241
Mines	242 - 245
Establishments under Federal Jurisdiction	246
Proclamation	247

<u>Contents</u>	<u>Paragraphs</u>
IV. Workers' Compensation	248 - 278
Introduction	248
Coverage	249 - 252
Earnings Ceiling	253
Benefits to Dependents	254 - 271
Disability Benefits	272 - 273
Compensable Diseases	274
Third Party Actions	275 - 277
Rehabilitation	278





## I. EMPLOYMENT STANDARDS

1. The most important changes in labour standards came with the proclamation of the Newfoundland Labour Standards Act (which is described in Legislative Review No. 11, paragraphs 43 to 48) and the issuance of the Labour Standards Regulations, 1979 also in the province of Newfoundland. Quebec has provided for new legislation concerning maternity leave and public holiday. Other changes have been introduced by the federal, Manitoba and Ontario jurisdictions. Amendments to minimum wage rates have also been made during this past year.
2. In the federal jurisdiction, two main regulations have been adopted; one amending the Labour Standards Regulation and the other revoking the Country Elevator Agents and Managers Hours of Work Regulations.

### Exclusion

3. Hours of work provisions contained in the Canada Labour Code do not apply to members of the architectural, dental, engineering, legal or medical profession.

### Averaging Period (hours of work)

4. If, during the averaging period, an employee within a class is granted bereavement leave with pay, a general holiday or other holiday with pay or an annual vacation, the number of standards hours and total hours must be reduced by 8 hours in respect of every such a day, but must not be reduced by more than 40 hours in respect of any full week of vacation.

### General Holidays

5. Where an employee is employed by an employer who is not a member of a multi-employer unit, he is entitled to, on each payday in lieu of general holidays, an amount equal to  $3\frac{1}{2}\%$  of his basic rate of wages multiplied by the number of hours worked.

### Keeping Records

6. Complete and accurate records must be kept in respect of the employee for a period of at least 36 months.

### Hours of Work

7. Regulations dealing with the planting and harvest season have modified the provisions respecting hours of work. Where it is established to the satisfaction of the Minister that the season is inadequate due to extraordinary conditions, he may authorize a further period not exceeding five consecutive weeks. It is specified that an employee is

exempted from hours of work provisions until April 14, 1980. The regulations establish standard hours of work at 48 in a week with a maximum of 60 for the season. Weekly hours of work must be reduced by 8 hours for each general holiday occurring in that week. If an employee works in excess of the standard hours of work, he is entitled to time off at the rate of  $1\frac{1}{2}$  hours for each hour worked. An employee who ceases to be employed with time off to his credit, receives, for each hour worked, a rate of wages equal to  $1\frac{1}{2}$  times the regular rate.

8. In the province of Manitoba, most of the changes have dealt with minimum wage provisions.

#### Exclusion

9. Sections 31 and 32 of the Employment Standards Act (Hours and Conditions of Work) do not apply to the temporary employees of the Crown who are classified as summer students.

#### Minimum Wage

10. A regulation made under the Employment Standards Act establishes a new minimum wage for an employee of 18 years or over: \$3.05 an hour from July 1, 1979 and \$3.15 an hour from January 1, 1980 for work done during standards hours. This regulation also establishes a new minimum wage for an employee who serves liquor directly to a customer, guest, member or patron in premises for which a permit has been issued under The Liquor Control Act: \$2.95 an hour for standard hours of work.
11. A regulation made under the Construction Industry Wages Act redefines the Winnipeg Area for the purpose of the Act. It establishes the minimum wage rates payable to employees in the heavy construction industry which vary from \$3.65 an hour for watchers and flaggers to \$6.90 for crane operators hoisting on building construction. Maximum standard weekly hours are 48 in Winnipeg and 54 in the rest of the province. All hours worked in excess of the standard weekly hours must be paid at  $1\frac{1}{2}$  the regular rate of wages.
12. Important changes have occurred in the province of Newfoundland with the proclamation of the Labour Standards Act and the adoption of the Labour Standards Regulations, 1979 (effective as of June 1, 1979) revoking the Labour Standards Regulations, 1978 which replaced the Minimum Wage Order No. 1, 1976; the Employment (notice of termination) Regulations, 1970; the Termination of Employment (Seasonal Industry) Order, 1976; the Weekly Day of Rest Regulations, 1971 and the Weekly Day of Rest (Labrador Linerboard Limited) Regulations, 1974.

#### Proclamation

13. The Labour Standards Act was proclaimed into force as of August 1, 1978.

#### Hours of Work

14. Standard working hours are 8 in a day and 40 in a week for an assistant and 44 in a week for every other employee. An assistant means any person employed in or about a shop and wholly or mainly employed in serving customers, receiving orders or dispatching goods, or in any office connected with a shop.

#### Public Holidays

15. Public holidays required to be observed under the Act must be observed on the dates proclaimed by the Lieutenant-Governor in Council for such holidays under The Shops Closing Act.

#### Weekly Day of Rest

16. The weekly day of rest provisions do not apply to any employee who is subject to a collective agreement within the meaning of The Labour Relations Act, 1977 and The Fishing Industry (Collective Bargaining) Act, 1971, to a person employed in a remote area of the province and who notifies his employer in writing that he does not wish the Act to apply and to any employee who is a crew member of a ferry boat.

#### Overtime

17. Overtime wages, as prescribed by the Act, must be paid at a rate of not less than  $1\frac{1}{2}$  times the minimum rate.
18. The provisions do not apply to any person employed in planting, cultivating and harvesting farm produce and raising livestock and poultry other than the production of fruit and vegetables in greenhouse and nursery operations. Also, they do not apply to domestic servants in a private home.

#### Minimum Wage

19. A new regulation, made under The Labour Standards Act, has raised the minimum wage from \$2.50 to \$2.80 an hour; it is effective as of June 1, 1979.
20. For employees 16 years of age and over employed in domestic service in a private home, the rate of wage is not less than \$40 a week and the employer must not reduce the wages below \$40 either by deductions or payment out of wages for meals supplied or board and lodging provided.



21. Subject to the minimum wage provisions, where an employer furnishes to an employee meals, board and lodging or any of them, the amount by which the wages of the employee may be reduced below the minimum wage prescribed must not exceed 90¢ for single meal, \$21 per week for board and lodging, \$14.50 per week for board only and \$6.50 for lodging only. No employer must charge an employee for a meal that the employee did not receive.
22. The minimum rate of wages prescribed apply to an employee whether paid on the basis of an hourly rate of pay or on the basis of a fixed wage for a week or a month; it applies also to an assistant whether remunerated either wholly or in part or on a commission basis and an employee who is employed in the beauty culture trade whether remunerated either or wholly or in a part on a commission basis.

#### Termination of Employment

23. The notice of termination provision of the Act does not apply to the construction industry.
24. The redundancy provision of the Act does not apply to a contract of service:
  - . that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance;
  - . of a person who is laid off after refusing an offer by his employer of reasonable, alternate work;
  - . of a person who is laid off after refusing alternate work made available to him through a seniority system;
  - . of a person who is on layoff and does not return to work within a reasonable time after being requested to do so by his employer;
  - . of a person who is laid off or terminated during or as a result of a strike or lockout at his place of employment;
  - . of a person who is employed in the construction, alteration, decoration, repair or demolition of buildings, structures, roads, sewers, water or gas mains, pipelines, tunnels, bridges, canals or other works at the site thereof;
  - . of a person who is employed in logging or fishing;
  - . of a person who is employed for seasonal production work in a fish plant to supplement the regular work force in peak production periods;



- . of a person who is employed under an arrangement whereby he may elect to work for a temporary period when requested to do so; or
- . of a person who, having reached the age of retirement according to the established practice of the employer, has his employment terminated.

#### Shops Closing

25. Effective May 18, 1979, an order made under The Shops Closing Act exempts the town of Stephenville from the operation of the Act.
26. Only two changes happened in Ontario respecting labour standards provisions.

#### Exclusion

27. The Employment Standards Act has been declared not to apply to a secondary school student who performs work under a work experience program authorized by the school board of the school in which he is enrolled. Also, the Act is declared not to apply to an inmate who participates in a work project or rehabilitation program authorized under the Ministry of Correctional Services Act, 1978, nor to an offender who performs work or services under an order or sentence of a court.

#### Minimum Wage

28. A regulation made under the Employment Standards Act, 1974 fixes a new minimum wage for fruit, vegetable and tobacco harvesters: every employer must pay not less than \$2.85 in lieu of \$2.65. Students under 18 years of age who are working less than 28 hours a week or students who are employed during a school holiday are excluded.
29. In the province of Quebec, most of the changes are regarding maternity leave provisions.

#### Maternity Leave

30. Ordinance No. 17 applies to all female employees covered by the Minimum Wage Act and their employers.
31. To benefit from a maternity leave, an employee must have completed 20 weeks of service for the same employer during the 12 months preceding the date of the prior notice and be employed by this employer the day preceding such notice.
32. The employee must give her employer a prior written notice of at least three weeks of her intention to take a maternity leave and that notice must be accompanied by a medical certificate attesting to the state of pregnancy and the expected date of birth. Exception is provided in case of emergency.

33. The employee is entitled to a continuous period of maternity leave, not exceeding 18 weeks, that may be divided, at the employee's discretion, before and after the expected date of birth but the said leave may only start as of the beginning of the 16th week preceding the expected date of birth. If birth takes place after the expected date, the leave can be extended equal to the period of delay.
34. As of the 6th week preceding the expected date of birth, the employer may require the pregnant employee to produce a written medical certificate attesting to the fact that she is fit to work.
35. The employer must send the employee, during the 4th week preceding the expiration of the maternity leave, a notice mentioning the expected expiry date of the leave and the employee must give to the employer a prior written notice of at least two weeks of the date of her return to work.
36. At the end of the maternity leave, the employer must reinstate the employee in her former position with all the rights to which she would have been entitled if she had continued to work.
37. Bill 43, an Act to amend the Minimum Wage Act, received royal assent on June 8, 1978. The Bill enables the Minimum Wage Commission to determine by order the granting of maternity leaves, and the related compensation, where applicable. It also prohibits an employer from dismissing, suspending or transferring an employee on the ground that the employee has exercised his or her rights under the Act, a regulation of the Commission or an order.
38. Bill 128, an Act again amending the Minimum Wage Act, received royal assent on February 15, 1979. This Act extends the coverage of Ordinance No. 17 regarding maternity leave to persons governed by a decree adopted under the Collective Agreement Decrees Act.

#### Public Holiday

39. Bill 48, assented to June 8, 1978, establishes June 24, St. John the Baptist's Day, as the National Holiday and it is to be observed as a statutory public holiday.
40. Every employer must pay to an employee paid by the hour, day, or on a production basis, the equivalent of his regular wages for the day.
41. Where, by the nature of the business, an employee must work on June 24, the employer must pay for the work done, plus the equivalent of wages for a regular day, or grant a compensatory day off on the working day either preceding or following June 24. If the employee is on annual leave, the holiday is taken at a date agreed upon by the employer and employee.

42. The employer needs not grant the compensatory holiday, nor equivalent pay to an employee who was not entitled to wages for at least 10 days during the period from June 1 to June 23.
43. General Hourly Minimum Wage Rates for Adults and Young Workers (as of July 1, 1979).

<u>Jurisdiction</u>	<u>Minimum Wage Rate</u>	<u>Date of Coming into Force</u>
1. <u>Federal</u>		
Employees 17 and over	\$2.90	April 1, 1976
Employees under 17	\$2.65	April 1, 1976
2. <u>Alberta</u>		
Employees 18 and over	\$3.00	March 1, 1977
Employees under 18	\$2.85	March 1, 1977
Students under 18 employed on a part-time basis	\$2.50	March 1, 1977
3. <u>British Columbia</u>		
Employees 18 and over	\$3.00	June 1, 1976
Employees 17 and under	\$2.60	June 1, 1976
4. <u>Manitoba</u>		
Employees 18 and over	\$3.05	July 1, 1979
Employees under 18	\$2.70	September 1, 1976
5. <u>New Brunswick</u>		
General rates	\$2.80	November 1, 1976
6. <u>Newfoundland</u>		
Employees over 16	\$2.80	June 1, 1979
7. <u>Nova Scotia</u>		
Employees 18 and over	\$2.75	January 1, 1977
Underage employees (14-18)	\$2.50	January 1, 1977
Learners (during first 3 months)	\$2.50	January 1, 1977

<u>Jurisdiction</u>	<u>Minimum Wage Rate</u>	<u>Date of Coming into Force</u>
8. <u>Ontario</u>		
General rates	\$3.00	January 1, 1979
Learners (1st month of employment)	\$2.90	January 1, 1979
Students under 18, employed less than 28 hours per week or during a school holiday	\$2.15	March 15, 1976
9. <u>Prince Edward Island</u>		
Employees 18 and over	\$2.75	November 26, 1978
Employees under 18	\$2.40	November 26, 1978
10. <u>Quebec</u>		
Employees 18 and over	\$3.47	April 1, 1979
Employees under 18	\$3.07	January 1, 1978
11. <u>Saskatchewan</u>		
General rates	\$3.25	June 30, 1978
12. <u>Northwest Territories</u>		
Employees 17 and over	\$3.00	June 7, 1976
Employees under 17	\$2.55	June 7, 1976
13. <u>Yukon Territory</u>		
General rates	\$3.00	April 1, 1976

## II. INDUSTRIAL RELATIONS

### A. Legislation of General Application

44. On May 29, 1979, 3rd reading was given in Ontario to Bill 25, the Labour Relations Amendment Act, 1979. The Act which will come into force on proclamation contains amendments concerning grievance arbitration.

### Referral of Grievances to a Single Arbitrator

45. Notwithstanding the arbitration provision in a collective agreement or deemed to be included in such an agreement under the Act, a party to a collective agreement may request the Minister of Labour to refer to a single arbitrator appointed by him, any difference between the parties arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable.

### Request for Reference

46. The time limit imposed for making the arbitration request is the period after the grievance procedure under the agreement has been exhausted or 30 days (14 days if the difference arises from discharge from or other termination of employment) after the time when the grievance was first brought to the attention of the other party, whichever occurs first.
47. However, no such request may be made beyond the time, if any, stipulated in or permitted under the agreement for referring the grievance to arbitration.

### Arbitrators and Settlement Officers

48. Provisions are made in the Act for the powers, duties and remuneration of an arbitrator so appointed and for the appointment, at the discretion of the Minister, of a settlement officer who will confer with the parties to attempt to settle the grievance prior to the arbitration hearing.

### Oral Decisions

49. Upon the agreement of the parties, the arbitrator will deliver an oral decision immediately or as soon as practicable without giving his reasons in writing.



### Approval of Arbitrators

50. The Minister may establish a list of approved arbitrators and, for the purpose of advising him with respect to persons qualified to act as arbitrators and matters relating to arbitration, he may constitute a labour-management advisory committee composed of a chairman to be designated by him and six members, three representing employers and three representing trade unions.

### Application

51. The provisions described above will apply to the collective agreements renewed or made after the coming into force of the Act.

### Regulatory Powers

52. Bill 25 will permit the Lieutenant-Governor in Council to make regulations under the Labour Relations Act that may now be made under the Ontario Labour-Management Arbitration Commission Act which will be abrogated.

53. The Lieutenant-Governor in Council will be given power to make regulations:

- governing the assignment of arbitrators to conduct arbitrations and the carrying out and completion of such assignments;
- providing for and prescribing a scale of fees and expenses allowable to arbitrators in respect of arbitrations and limiting or restricting the application of such a regulation;
- providing a procedure for the review and determination of disputes concerning the fees and expenses charged or claimed by an arbitrator;
- respecting the filing of schedules of fees and expenses by arbitrators;
- respecting training programs for arbitrators;
- governing the conduct of arbitration hearings and prescribing procedures therefor.

54. New Brunswick has introduced Bill 46, an Act to Amend the Industrial Relations Act. Following are changes which would be made to various aspects of the Act.

### Onus of Proof in Unfair Labour Practices

55. Where an employer, or employers' organization or a person acting on their behalf, previous to certification or prior to the signing of the collective agreement, has discharged, suspended, transferred or laid off a person, it would be sufficient for that person to establish a prima facie case that he was so discharged, suspended, transferred or laid off because he had exercised or was exercising or attempting to exercise a right under the Act, and once such prima facie case would be established, the burden of proof that the person was discharged, suspended, transferred or laid off for proper cause would be on the employer.

### Mandatory Representation Vote

56. The amendments provide that the Industrial Relations Board take a representation vote in all cases of application for certification in general industry. This vote would be taken within 14 days after the Board has received the application.
57. This would not apply to an application for certification as bargaining agent of the employees of an employer in the construction industry; but if an applicant trade union would request a pre-hearing representation vote, the Board would have the power to order a representation vote to be taken.
58. If, on any application for certification, the Board is satisfied that more than 50% of the employees in the bargaining unit are members in good standing of the trade union, it would have the power to certify the trade union as the bargaining agent of the employees in the bargaining unit without reference to the ballots cast in the representation vote. The same would apply if the Board is satisfied that more than 60% of the employees in the unit are members in good standing of the trade union, except that, in that case, it would have to certify the union as the bargaining agent.

### Decertification

59. The Bill repeals a provision of the Act which allows an employer to apply to the Board to have a trade union or council of trade unions decertified in cases where there have been no employees in the bargaining unit for two years.

### Parties to a Collective Agreement

60. The Bill specifies that where any question arises as to whether a person, an employers' organization, an employer, a trade union or an employee is bound by a collective agreement, the Board, in any proceeding before it or on the application of any concerned party, may declare that the collective agreement is binding on the person, the employers' organization, the employer, the trade union or the employee, or it may dismiss the application.

61. Before issuing such a declaration, the Board will make such inquiry or require the production of such evidence as it considers necessary.

Notice of Intention to Strike or Lockout

62. An amendment clarifies the original intention of the Act that the employer or trade union, as the case may be, must proceed with the lockout or strike, respectively, upon the expiry of 24 hours in respect of which notice was given. Otherwise, notice of the time of commencement of the lockout or strike will not be effective.

Associated Business

63. Where, in the opinion of the Board, associated or related businesses or operations are carried on by more than one corporation, firm or individual, all of whom are under common control or direction, the Board would be allowed, for the purposes of any matter or proceeding before it under the Act, to deal with the matter or proceeding as though the associated or related businesses or operations and the corporations, firms or individuals were respectively a single business or operation, and a single employer.

Federal Legislation

64. Bill C-3, an Act to amend the Corporations and Labour Unions Returns Act (CALURA), received first reading on October 16, 1978.
65. The Bill was proposing to amend Part II (Labour Unions) of the Act by extending its coverage to independent local unions. It also intended to reduce from 6 months to 90 days the period for filing a return, to require unions to file separate financial statements for each special fund and to require international unions operating in Canada to report separately expenditures directly related to their operations in Canada.
66. An Act to amend the Department of Labour Act (Bill C-30) received first reading on December 11, 1978.
67. The intention of the Bill was to remove the requirement that the Department of Labour publish the Labour Gazette.
68. An Act to establish the Collective Bargaining Information Centre was read for the first time on December 18, 1978.
69. Bill E-31 was proposing to establish the Centre with the object of assisting the parties to collective bargaining throughout Canada by organizing and disseminating economic and compensation data and other information. The Bill was proposing that the Centre be governed by a Management Board composed of a chairman and between 10 to 12 members appointed in equal number after consultation with employee and employer organizations.

Newfoundland

70. The Labour Relations Regulations replacing those passed in 1969 have been adopted in December 1978. The regulations contain provisions regarding notice to commence collective bargaining, request for appointment of a conciliation officer or conciliation board, applications to the Minister for consent to prosecute and also regarding complaint alleging violation of a provision of the Act.
71. Rules of procedures of the Labour Relations Board under The Labour Relations Act, 1977 have been adopted in December 1978. They replace the rules of procedure adopted in 1974 and 1978. They provide general and specific rules for applications which commence every proceeding before the Board and complaints to the Board which may be filed under provisions of the Labour Relations Act.
72. The rules also contain provisions regarding votes of employees and employers and a series of form.



## B. Public Sector

### Civil Servants

73. An Act to amend the Public Service Staff Relations Act and to establish the National Pay Research Board was first introduced in March 1978 in the House of Commons as Bill C-28. It was reintroduced on November 21, 1978 maintaining some of the principles contained in the first version, and also including some changes.
74. Bill C-22 proposes to modify the coverage of the Act mainly by enlarging the category of persons identified as being employed in a managerial or confidential capacity. Every person employed in the Treasury Board Secretariat would be excluded from the coverage of the Act. Would also be excluded, any person who has or exercises executive or managerial duties and responsibilities in relation to the formulation, implementation, or administration of government policies or programs, has effective control of employees or makes significant recommendations in relation to those functions.
75. The Bill would also require arbitration and conciliation boards when making a decision or recommendation as to compensation matters to compare the aggregate of compensation for similar work done in the private sector. If there were insufficient data available from the private sector, the comparison would then be made either with other organizations outside the Public Service, or within the Public Service, as appropriate.
76. The proposed amendments to the PSSR Act would give the employer the right to lock out employees under certain conditions. Bill C-22 also proposes the establishment of the National Pay Research Board with the object of providing in a manner that is independent, impartial and fair, the data necessary to support the process of collective bargaining in the Public Service.
77. The federal Public Service Employment Regulations were amended in April 1979 to clarify certain provisions regarding lay-off rights.
78. A lay-off is entitled, for a period of one year from the date he was laid off, to consideration for reappointment in priority to any position in the Public Service. The period is to expire where the employee is appointed for an indeterminate period, or declines, for reasons not accepted by the Commission as sufficient, an appointment for an indeterminate period to a position in the Public Service for which, in the opinion of the Commission, he is qualified.



79. In British Columbia the Miscellaneous Statutes Amendment Act, 1978 proposes to amend several statutes including the Public Service Act and the Public Service Labour Relations Act.

Amendment to the Public Service Act

80. The duties of the Public Service Adjudication Board which is established by the Act are rewritten stating clearly that the Board is to act as the sole board of arbitration in respect of differences concerning the interpretation, application, operation or alleged violation of a collective agreement, including a dispute as to whether or not a matter is subject to arbitration.

Amendment to the Public Service Labour Relations Act

81. The amendment provides that where the parties do not agree by negotiation on the employees or classes of employees that are excluded from the application of a collective agreement, the matter may be referred by either party to the Board for a final and binding decision.
82. In making its decision, the Board is to exclude those employees or classes of employees who are: 1) employed to exercise the functions, and do exercise the functions of a manager or superintendent in the direction or control of employees, or 2) employed in a confidential, planning or advisory position in the development of management policy for the Government, or 3) employed in a confidential capacity in matters relating to labour relations or personnel.
83. The rules of procedure of the Newfoundland Labour Relations Board made under the Public Service (Collective Bargaining) Act, 1973 were adopted in December 1978. They contain provisions regarding applications for certification and votes of employees and regarding the designation of essential employees by the employer upon request of the Board.
84. An Act to amend The Crown Employees Collective Bargaining Act, 1972 (Bill 173), received First Reading on November 9, 1978 in Ontario.
85. Under the present legislation, the Grievance Settlement Board has authority to substitute another penalty for a disciplinary penalty or dismissal that it determines is excessive. Bill 173 would provide that where an employee who works in a children's mental health centre, a hospital, a psychiatric facility or correctional institution has applied force to a resident or has sexually molested a resident, the Board may not provide for the employment of the employee in a position that involves direct responsibility or contact with residents. The Board could however provide for the employment of the employee in another substantially equivalent position.

86. Provisions regarding release from employment of the Ontario Regulations made under The Public Service Act have been rewritten in August 1978.
87. The amendment provides that a deputy minister who proposes to release a civil servant must give at least six months written notice of the release to the civil servant and to the Commission. Prior to this amendment, the Regulations were providing for a 14 day notice of the release, or such greater notice as required by or under any statute.
88. The seniority clause that applied to civil servants occupying similar positions, who were in the same classification or who had similar qualifications has been deleted from the Regulations.
89. A Private Member's Bill, An Act to provide Political Rights for Public Servants, received First Reading on May 11, 1979 in Ontario.
90. The Bill is designed to give public servants the same political rights as other citizens in Ontario. It provides that public servants would be able to write, speak, contribute, solicit funds, work, join, hold office and vote on behalf of, in, for, or to a political party or candidate in a federal or provincial election. The Bill would also repeal certain provisions of The Public Service Act and of the Crown Employees Collective Bargaining Act.
91. On June 23, 1978, Quebec assented three Bills affecting labour relations in the public and para-public sector.
92. Bill 50, the Civil Service Act, was first introduced in July 1977 (Bill 53). The Act is a revision of the previous Civil Service Act and of the Civil Service Department Act.
93. Under the new legislation, the Ministre de la fonction publique has general responsibility for personnel management in the civil service, and has the authority to make regulations in this regard. The Act changes the status of the Commission de la fonction publique and establishes the Office du recrutement et de la sélection du personnel.
94. Chapter VIII of the Act deals with associations recognized or certified to act on behalf of civil servants for collective bargaining purposes.
95. Bill 55, an Act respecting the organization of the management and union parties in view of collective bargaining in the sectors of education, social affairs and government agencies came into force on the day it was assented to.
97. The Act also provides for the distribution of matters to be negotiated at the national level and at the local or regional level in the sectors of education and social affairs. The Act replaces a 1974 legislation, an Act respecting collective bargaining in the sectors of education, social affairs and government agencies.

98. An Act to amend the Labour Code (Bill 59) was assented to on June 23, 1978. The Act repeals a statute of 1975 (Loi 253) and contains special provisions applying to the public and para-public sectors. A Committee of information on negotiations, responsible for informing the public on the status of negotiations is created by the Act.
99. The Act also provides for the negotiation of essential services in the area of social affairs. If no settlement is reached by the parties, the certified employee association gives the other party a list determining the number of employees for each of the service maintained.
100. No strike may take place in health care establishments unless a settlement as to essential services has been reached by the parties, or a list of essential employees has been submitted by the union. The Act also provides that before any strike or lockout may take place, prior written notice of at least two days must be given to the Minister and to the other party.
101. If the Lieutenant-Governor in Council is of opinion that a threatened or actual strike in a health care establishment endangers public health or safety, he may, for a period not exceeding 30 days, suspend the right to strike.

#### Teachers

102. When it is adopted by the Manitoba government, the Public Schools Act (Bill 22) will repeal the previous statute and consolidate all the amendments made subsequently to its adoption.
103. The Bill deals with the organization of school divisions, the powers of school boards, the conduct of schools and other matters. Under Part VIII of Bill 22, teachers have bargaining rights but are prohibited from engaging in strike action.

#### Certification

104. A Collective Agreement Board is established with responsibility for granting certification upon the application of a local society to act on behalf of a unit of teachers. The Board is to replace the Manitoba Labour Board in matters involving teachers and their associations.
105. Upon application for certification by a local society, the Board may order the taking of a representation vote to determine the wishes of the teachers in the proposed unit. Teachers employed by more than one school board may be part of the same bargaining unit. Certification may be granted by the Board after determining that the unit is appropriate for collective bargaining and being satisfied that the majority of teachers in the unit are members in good standing of the local society.



### Collective Bargaining

106. Notice to begin collective bargaining is given by either party between the 90th and 30th day (not including days in July and August) before the day on which a collective agreement terminates.
107. Collective bargaining is to commence 14 days after notice is given or within such further time as agreed by the parties. After the notice to bargain has been given, no school board may decrease the rates of pay or other terms and conditions of employment of teachers unless they agree to such change.

### Conciliation and Arbitration

108. Application for appointment of a conciliation officer is made to the Minister where collective bargaining has not commenced within the time prescribed or where it has begun and difficulties have arisen. If the conciliation officer is unsuccessful in helping the parties reaching a settlement, a board or arbitrators is appointed by the Minister at the request of one of the parties or on his own initiative.
109. An arbitral award becomes binding on all parties involved and any strike action is prohibited.

### Enforcement

110. The Bill provides that a person claiming to be aggrieved because of an alleged violation of any provision of Part VIII of the Bill may file a complaint with the Minister. The Minister may then ask the Collective Agreement Board to investigate the matter and make a report. The Bill also establishes penalties for offences of unfair practices by school boards and local societies.
111. Newfoundland has introduced amendments to the Teacher (Collective Bargaining) Act, 1973.
112. Bill 66 redefines "teachers" to extend its meaning. The definition of "teacher" now includes a person who is employed in a professional capacity in the province by a school board or is employed by the Government but does not include a superintendent or assistant superintendent.
113. The Bill provides that the Labour Relations Board may establish a separate bargaining unit consisting of teachers employed in schools operated or supported by a company carrying on business in Labrador. All other teachers in the province are to be part of the same bargaining unit.
114. Where a separate unit for Labrador is instituted, the bargaining agent for that unit and the school boards may each appoint a committee for the purpose of collective bargaining in accordance with the relevant provisions of the Act. These committees are to be distinct from those established for collective bargaining in the rest of the province.

115. The Minister of Labour and Manpower will replace the Chairman of the Labour Relations Board in exercising the power to appoint a conciliator upon the request of the bargaining committee or the chief negotiator for the School Board Committee. The conciliator must report his findings to the Minister within 14 days of his appointment or within such longer period as agreed by the Minister.
116. The Minister will also be responsible for making appointments to a conciliation board where one or both parties fail to do so. The chairman of a conciliation board will be appointed by the Minister in the case where the two members do not appoint a chairman. A member of the Labour Relations Board and any person who has an interest in the matter referred to a conciliation board is prohibited from acting as a member of such conciliation board. The Minister will also replace the Chairman of the Board in making appointments of arbitrators.
117. The amending Bill provides that no strike vote may be taken and no strike may be declared or authorized until: a conciliation board has been appointed and seven days have elapsed since the parties have informed the Minister whether or not they have accepted the conciliation report, or 15 days have elapsed since the Minister has decided not to appoint a conciliation board as requested by the parties.
118. The rules of procedures of the Labour Relations Board with respect to The Newfoundland Teacher (Collective Bargaining) Act, 1973 were adopted in December 1978. The rules establish the procedure regarding applications for certification of bargaining agents, applications to the Board to prescribe a provision for the final settlement of differences concerning the meaning or violation of a collective agreement, regarding votes of teachers and other employees and requests for the appointment of a conciliation officer.
119. In Ontario, Bill 19, an Act to amalgamate the Ministry of Colleges and Universities and the Ministry of Education received first reading on March 15, 1979.
120. The Bill would provide for the amalgamation of the Ministry of Education and the Ministry of Colleges and Universities. The Minister of Education would have charge of the new Ministry and be responsible for the administration of several statutes including the Colleges Collective Bargaining Act, 1975 and The School Boards and Teachers Collective Negotiations Act, 1975.

#### Police

121. The purpose of Bill 75, an Act to amend The Constabulary Act, introduced in Newfoundland, is to confine the collective bargaining authority to those members of the Constabulary Force of Newfoundland who are "policemen" as defined in the Act, meaning members of the force other than commissioned officers. It also contains provisions regarding disciplinary measures and sanctions for breach of regulations adopted under the Act.



C. Ad Hoc and Preventive Legislation

122. On October 17, 1978, Parliament adopted the Postal Services Continuation Act to bring an end to a strike by the Canadian Union of Postal Workers.
123. The Act ordered resumption of postal services on the coming into force of the Act (day following Royal Assent). The Canadian Union of Postal Workers or any representative of the Union had to give notice to the employees that any declaration, authorization or direction to go on strike given before the passage of the Act had become invalid.
124. Return to work by employees was not to be denied by any person acting on behalf of the employer and employees were not to be discharged or disciplined for having been on strike before the Act came into force. The term of the collective agreement which expired on June 30, 1977 was extended to include the period beginning July 1, 1977 and ending December 31, 1979.
125. The Act provided for the appointment of a mediator-arbitrator by the Minister of Labour to mediate all matters that were referred to a conciliation board established by the Chairman of the Public Service Staff Relations Board and that remained in dispute. The powers of the mediator-arbitrator were those of a conciliation board and those of an arbitrator appointed under the PSSR Act. The Act also gave the power to render any provisional arbitral award.
126. Ninety days after his appointment or after such longer period as agreed by the parties or determined by the Minister of Labour, the mediator-arbitrator was to report to the Minister on matters resolved by mediation and those on which he had made an arbitral award.
127. Bill C-8 also amended the PSSR Act by increasing the fines for illegal strike action during the term for which the collective agreement was extended.
128. The Shipping Continuation Act was adopted by Parliament to bring and end to a dispute involving the Canadian Maritime Officers Unions and the Canadian Lake Carriers Association.
129. The Act ordered resumption of shipping activities on the Great Lakes and invalidated any declaration, authorization or direction to go on strike given before the coming into force of the Act. Every officer or representative of the Union had to comply with any order made by virtue of the collective agreement for the dispatch of employees to perform marine engineering work and to carry out other related duties.

130. Return to work by marine engineers or those employed in related occupations was not to be impeded or prevented by any person. The collective agreement between the parties was extended to include the period beginning June 1, 1978 and ending May 31, 1979 with a possible further extension by the arbitrator to May 31, 1981. The Act prohibits strikes and lockouts during the term of the extended collective agreement.
131. The Act provided for the appointment of an arbitrator by the Minister of Labour to look into matters remaining in dispute between the parties and to decide on these matters within 60 days of his appointment.
132. The Act establishes enforcement measures by way of injunction and contempt of court for failure by a company or union to comply with any provision of the Act or with the injunction. The Act also provides for an appeal from the conviction or against the punishment imposed for contempt of court.
133. In British Columbia, Bill 46 The West Kootenay Schools Collective Bargaining Assistance Act was adopted to end a dispute between the Selkirk College and the boards of school trustees of certain districts and their employees.
134. The Act ordered resumption of services within 48 hours after Royal Assent. Persons acting on behalf of a union had to inform the employees that any declaration, authorization or direction to go on strike was cancelled.
135. Any collective agreement that expired before the coming into force of the Act was extended until a new agreement was to come into force.
136. The Act provided for the appointment of a special mediator, by the Minister, for a term of 30 days. The special mediator had to report to the Minister on the progress of the mediation including the matters on which agreement had or had not been reached. The Act also provided for arbitration procedures where mediation was unsuccessful.
137. The Act also amended the Essential Services Disputes Act, extending its coverage to Colleges and Board of School Trustees, Universities, Institutions, Municipalities, Regional Districts and Improvement District Corporations under the Water Act.
138. The Toronto Transit Commission Labour Disputes Settlement Act, (Bill 141) 1978 was adopted in Ontario to settle a labour dispute between the Toronto Transit Commission and its employees represented by three different unions.

139. It provided for the appointment of an arbitrator by the Lieutenant-Governor in Council upon the advice of the Minister of Labour to examine and decide all matters remaining in dispute between the parties before the coming into force of the Act. Within seven days of the arbitrator's decision, the parties had to prepare documents to constitute collective agreements giving effect to the decision of the arbitrator and any agreement of the parties.
140. The basic hourly rates of wages for employees were increased by 4% without preventing the arbitrator from granting increases in excess of 4% however.
141. Upon the coming into force of the Act strikes were terminated and employees had to report for work and perform duties according to work assignment. Any declaration or authorization to go on strike to engage in picketing or to lock out employees was prohibited.
142. Fines of \$1 000 in the case of an individual and \$10 000 in the case of a corporation or union are provided for contravention or failure to comply with any provision of the Act. In addition, an individual, corporation or union is liable to a fine not exceeding \$500 per day for every day that the offence continues.
143. The Act which came into force on the day it received Royal Assent will be repealed on the day on which the last of the three collective agreements to which the Act applies comes into force.
144. On May 15, 1979, the Ontario Legislature read for the first time a Private Member's Bill intended to bring an end to a dispute involving secondary school teachers.
145. Bill 91, an Act respecting The Haldimand Board of Education and Teachers Dispute was ordering resumption of employment for secondary school teachers employed by the Board who had been on strike since March 29.
146. The Bill prohibited strikes and lockouts and established a final offer selection procedure as a means of settling the matters in dispute between the parties.
147. The Bill did not receive third reading.

#### Preventive Legislation

148. Alberta adopted The Burial of the Dead Act (Bill 259). It provides that in case of a strike or lockout of persons employed to dig or prepare graves or who do work in respect of a cemetery, the Lieutenant-Governor in Council may, if he considers it necessary in the public interest, order the resumption of work or direct that the strike or lockout be ended.

149. If an order is issued, the terms and conditions of employment as well as the rates of pay that were in force immediately before the strike or lockout continue to apply to the employees and an employer may not, except with the consent of the union, alter these terms and conditions of employment for the duration of the order.
150. If the order affects all the employees in a bargaining unit, the Minister of Labour must establish a procedure to help the parties reach a settlement. A Public Emergency Tribunal may be established by the Minister as a procedure to settle the dispute. If no settlement is reached by agreement, the Tribunal makes an award copy of which must be sent to the Minister.
151. The Act also provides that an employer, employers' organization, employee, trade union or other person who fails to comply with an order made by the Lieutenant-Governor in Council, or any provision of the Act is guilty of an offence and liable on summary conviction to a fine of not more than \$10 000.



D. Construction Industry

152. Bill 110, an Act to amend the Building Contractors Vocational Qualifications Act and other legislation was assented to February 15, 1979 in Quebec.
153. The Act amends the Construction Industry Labour Relations Act and other statutes. The composition of the Office de la construction du Québec is changed by increasing from three to five the number of its members. The chairman of the Office will also be acting as general manager.
154. Certain types of construction work done by permanent employees employed by school boards and colleges or by health and social service establishments are now excluded from the coverage of the Construction Industry Labour Relations Act.
155. Bill 110 also contains provisions regarding skilled tradesman and it clarifies the prohibition regarding strikes and lockouts during the term of a decree. The Act further requires the Office to submit draft regulations to the Comité mixte de la construction (Joint Committee on Construction) for consultation, before adopting such regulations.
156. Saskatchewan gave Royal Assent to The Construction Industry Labour Relations Act (Bill 88) on May 3, 1979.
157. The Act introduces province-wide bargaining in the construction industry between employers' organizations and trade unions in respect of each trade division. It gives additional powers to the Labour Relations Board with respect to collective bargaining in the construction industry and contains provisions regarding the designation or determination by the Minister of Labour of representative employers' organizations.
158. Designated employers' organizations have authority to act as exclusive agents to bargain collectively on behalf of all unionized employers in a trade division. Where an employers' organization has been designated or determined, and more than one local of a trade union is acting on behalf of unionized employees in a trade, the Act requires that a council of locals be formed for the purpose of bargaining collectively with the representative employers' organization.
159. The Act also provides that a strike is to be in respect of all the work performed by the unionized employers in a trade represented by the employers' organization. In the case of a lockout, all unionized employers in a trade must participate and lock out all unionized employees.
160. Pre-strike and lockout vote is required by the Act. It is an unfair labour practice to declare, authorize or take part in a strike or lockout unless a vote is taken. The Act provides that a lockout vote of members of an employers' organization must be by secret ballot. In the case of a strike vote however, the Act does not require the secret ballot.



### III. OCCUPATIONAL SAFETY AND HEALTH

161. During the last 12 months, changes have been made to the occupational safety and health legislation of several jurisdictions. Among these changes, Ontario and Newfoundland have adopted a new Act on the subject and the Act establishing the Canadian Centre for Occupational Health and Safety has been proclaimed into force.
162. Ontario has adopted the Occupational Health and Safety Act, 1978 which will come into force on proclamation.

#### Application

163. The Act covers all categories of workers except farm workers and teachers. However, some coverage may be extended to these workers through regulations.
164. The Act does not apply to work performed by the owner or occupant or a servant of such persons to, in or about a private residence or the lands and appurtenances used in connection therewith.
165. The definition of "worker" does not include an inmate involved in a work project or rehabilitation program inside a correctional institution or like facility. The same applies to a patient who participates in a work or rehabilitation program in a psychiatric institution, mental health or retardation centre or home, or rehabilitation facility.

#### Administration

166. In order to enforce the Act and the regulations, inspectors may be appointed as well as a Director or Directors of the Occupational Health and Safety Division of the Ministry of Labour.

#### Health and Safety Representatives

167. Where the number of workers at a construction project regularly exceeds 20, the constructor must cause the workers to select at least one health and safety representative from among the workers on the project who do not exercise managerial functions.
168. Where no joint health and safety committee has been established under the Act, or where the number of workers at a construction project does not regularly exceed 20, the Minister may, by order in writing, require a constructor or an employer to cause the selection of one or more health and safety representatives for a workplace or part(s) of it from among the workers employed at the workplace or in the part(s) thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representative(s).

169. The selection of a health and safety representative must be made by those workers who do not exercise managerial functions and who will be represented by him in the workplace, or by the trade union(s) if there are one or more trade unions representing the workers.
170. A health and safety representative may inspect the physical condition of the workplace or the part(s) thereof for which he has been selected, as the case may be, not more often than once a month or at such intervals as a Director of the Occupational Health and Safety Division may direct, and it is the duty of the employer and the workers to afford the health and safety representative such information and assistance as may be required for the purpose of carrying out the inspection.
171. A health and safety representative has power to identify situations that may be a source of danger or hazard to workers and to make recommendations or report his findings to the employer, the workers and the trade union(s) representing them.
172. Where a person is killed or critically injured at a workplace from any cause, the health and safety representative may, provided he complies with the provision of the Act dealing with preservation of wreckage, inspect the place where the accident occurred and any machine, device or thing, and must report his findings in writing to a Director.
173. A health and safety representative is entitled to take such time from his work as is necessary to carry out his inspection duties and the time so spent must be deemed to be work time for which he must be paid by his employer at his regular or premium rate as may be proper.

#### Health and Safety Committees

174. The employer must cause a joint health and safety committee to be established and maintained at the workplace unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate is, on the date the Act comes into force, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater than, the benefits to be derived under a committee established under the Act.
175. The requirement to establish a joint health and safety committee applies where:
- (1) twenty or more workers are regularly employed at a workplace;
  - (2) a regulation made in respect of a designated substance applies to a workplace; or

- (3) an order of a Director to an employer is in effect concerning a biological, chemical or physical agent or combination of such agents.

176. The requirement mentioned above does not apply:

- (1) to a constructor or an employer who undertakes to perform work or supply services on a construction project; or
- (2) to an employer in respect of those workers who work,
  - . in the part(s) of a building used for office purposes;
  - . in a shop where goods or services are sold or offered for sale to the public, except any part used as a factory;
  - . in a building used for multiple residential accommodation;
  - . in a library, museum or art gallery;
  - . in a restaurant, hotel, motel or premises for which a licence or permit has been issued under the Liquor Licence Act, 1975 except that part used as a kitchen or laundry;
  - . in a theatre or place of public entertainment; or
  - . in premises occupied and used by a fraternal or social organization or a private club.

177. Notwithstanding what is mentioned above, the Minister may, by order in writing, require a constructor or an employer to establish and maintain one or more joint health and safety committees for a work place or a part thereof, and may, in such order, provide for the composition, practice and procedure of any committee so established.

178. A committee must consist of at least two persons of whom at least half must be workers who do not exercise managerial functions to be selected by the workers they are to represent or by the trade union(s) if there are one or more trade unions representing the workers.

179. It is the function of a committee and it has power to:

- (1) identify situations that may be a source of danger or hazard to workers;
- (2) make recommendations to the constructor or employer and the workers for the improvement of the health and safety of workers;

- (3) recommend to the constructor or employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers; and
  - (4) obtain information from the constructor or employer respecting;
    - . the identification of potential or existing hazards of materials, processes or equipment; and
    - . health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge.
180. A committee must maintain and keep minutes of its proceedings and make the same available for examination and review by an inspector.
181. The members of a committee who represent workers must choose among themselves somebody who will inspect the physical condition of the workplace, not more often than once a month or at such intervals as a Director may direct, and it is the duty of the employer and the workers to afford that member such information and assistance as may be required for the purpose of carrying out the inspection.
182. The members of a committee who represent workers must designate one or more such members to investigate cases where a worker is killed or critically injured at a workplace from any cause and one of those members may, subject to the provision of the Act dealing with preservation of wreckage, inspect the place where the accident occurred and any machine, device or thing, and must report his findings to a Director and to the committee.
183. A committee must meet at least once every three months at the workplace and may be required to meet by order of the Minister.
184. A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee and to carry out his inspection and investigation duties and the time so spent is deemed to be work time for which he must be paid by his employer at his regular or premium rate as may be proper.

#### Toxic Substances

185. Where a biological, chemical or physical agent or combination of such agents is used or intended to be used in the workplace and its presence or the manner of its use is in the opinion of a Director of the Occupational Health and Safety Division likely to endanger the health of a worker, the Director must by notice in writing to the employer order that the use, intended use, presence or manner of use be:
- (1) prohibited;



- (2) limited or restricted in such manner as is specified;  
or
  - (3) subject to such conditions regarding administrative control, work practices, engineering control and time limits for compliance as is specified.
- 186. An employer, a worker or a trade union who or which is aggrieved by such an order, may appeal to the Minister by notice in writing given within 14 days of the making of the order.
- 187. This provision concerning orders relating to toxic substances does not apply to designated substances prescribed by regulations.
- 188. Except for purposes of research and development, no person may manufacture, distribute or supply for commercial or industrial use in a workplace any new biological or chemical agent or combination of such agents unless he first submits to a Director notice in writing of his intention to do so. The notice must include the ingredients of such new agent or combination of agents and their common or generic name(s) and the composition and properties thereof.
- 189. Where in the opinion of the Director, which opinion must be made promptly, the introduction of the new biological or chemical agent or combination of such agents may endanger the health or safety of the workers in a workplace, he must require the manufacturer, distributor or supplier, as the case may be, to provide, at his own expense, a report or assessment, made or to be made by a person possessing such special, expert or professional knowledge or qualifications as are specified, of the agent or combination of agents intended to be manufactured, distributed or supplied and the manner of use including, the following matters:
  - (1) the ingredients thereof and their common or generic name(s);
  - (2) the composition and the properties thereof;
  - (3) the toxicological effect thereof;
  - (4) the effect of exposure thereto whether by contact, inhalation or ingestion;
  - (5) the protective measures used or to be used in respect thereof;
  - (6) the emergency measures used or to be used to deal with exposure in respect thereof; and
  - (7) the effect of the use, transport and disposal thereof.



190. For the purpose of these provisions "new biological or chemical agent or combination of such agents" means any such agent or combination of such agents other than those used in one or more workplaces and included in an inventory compiled or adopted by the Ministry of Labour.

Right to Refuse Dangerous Work

191. The right to refuse to work where there is a danger to health or safety does not apply to:

- (1) a member of a police force;
- (2) a full-time firefighter; or
- (3) a person employed in the operation of a correctional institution or facility, training school or centre, detention and observation home, or other similar institution, facility, school or home.

192. Other groups are excluded where circumstances are such that the life, health or safety of other persons or the public may be in imminent jeopardy. This includes the following institutions, facilities or services whether granted aid out of moneys appropriated by the Ontario Government or not and whether operated for private gain or not:

- (1) a hospital, sanatorium, nursing home, home for the aged, psychiatric institution, mental health or mental retardation centre or a rehabilitation facility;
- (2) a residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental handicap;
- (3) an ambulance service or a first-aid clinic or station;
- (4) a laboratory operated by the Crown or a laboratory licensed under the Public Health Act;
- (5) any laundry, food service, power plant or technical service or facility belonging to, or used in conjunction with, any institution, facility or service referred to in paragraphs 1 to 4.

193. A worker may refuse to work or do particular work where he has reason to believe that:

- (1) any equipment, machine, device or thing he is to use or operate is likely to endanger himself or another worker;

- (2) the physical condition of the workplace or the part thereof in which he works or is to work is likely to endanger himself; or
- (3) any equipment, machine, device or thing he is to use or operate or the physical condition of the workplace or the part thereof in which he works or is to work is in contravention of the Act or the regulations and such contravention is likely to endanger himself or another worker.

- 194. Upon refusing to work or do particular work, the worker must promptly report the circumstances of his refusal to his employer or supervisor who must immediately investigate the report in the presence of the worker and, if there is such, in the presence of a worker representative on a joint health and safety committee, a health and safety representative or a worker who because of his knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them; such person must be made available without loss of pay and must attend without delay.
- 195. Until the investigation is completed, the worker must remain in a safe place near his work station.
- 196. Where, following the investigation or any steps taken to deal with the circumstances that caused the worker to refuse to work or do particular work, the worker has reasonable grounds to believe that the danger still exists, he may continue to oppose such a refusal and the employer, the worker or a representative of either of them must cause an inspector to be notified.
- 197. The inspector must investigate the refusal to work in the presence of the employer or his representative, the worker and if there is such, the worker representative who, as mentioned above, is present at the first investigation of the report.
- 198. Following his investigation, the inspector gives his decision, in writing, as soon as is practicable, to the employer, the worker, and, if there is such, the worker representative.
- 199. Pending the investigation and decision of the inspector, the worker must remain at a safe place near his work station during his normal working hours unless the employer, subject to the provisions of a collective agreement, if any, assigns the worker reasonable alternative work during such hours, or if this is not practicable, gives other directions to the worker which are not reprisals as specified in the Act.

200. Pending the investigation and decision of the inspector, no worker may be assigned to use or operate the equipment, machine, device or thing or to work in the workplace or the part thereof which is being investigated unless such worker has been advised of the refusal by another worker and the reason therefor.

Reprisals by Employer Prohibited

201. No employer or person acting on his behalf may:

- (1) dismiss or threaten to dismiss a worker;
- (2) discipline or suspend or threaten to discipline or suspend a worker;
- (3) impose any penalty upon a worker; or
- (4) intimidate or coerce a worker,

because the worker has acted in compliance with the Act or the regulations or an order made thereunder or has sought the enforcement of this legislation.

202. A worker who complains that an employer or person acting on his behalf has contravened this provision of the Act, may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board. The complaints must be heard by the Board when they are made by Government employees.

203. On an inquiry by the Labour Relations Board into such a complaint, the burden of proof lies upon the employer or the person acting on his behalf that there was no contravention of the provision mentioned above.

204. A complaint of that nature made by a person who is subject to a rule or code of discipline under the Police Act, must be dealt with under that Act.

Powers of Inspectors

205. For the purposes of carrying out his duties and powers under the legislation, an inspector may, among other things, require in writing an employer to produce any record or information, or to provide, at his own expense, a report or assessment which is made by a person possessing such special, expert or professional knowledge or qualifications as are specified by the inspector, of any process or biological, chemical or physical agents or combination of such agents used or intended to be used in a workplace, and the manner of use.

#### Offences and Penalties

206. Every person who contravenes or fails to comply with a provision of the Act or the regulations, an order or requirement of an inspector or a Director, or an order of the Minister, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 000 or to imprisonment for a maximum term of 12 months, or to both.
207. In a prosecution of an offence under any provision of the Act, the accused, whether a corporation or not, is liable for the acts or neglects of its/his manager, agent, representative, officer, director or supervisor.

#### Legislation Replaced

208. The Occupational Health and Safety Act, 1978 replaces the Construction Safety Act, 1973, the Industrial Safety Act, 1971, Part IX of the Mining Act (except for some sections), the Silicosis Act and the Employees' Health and Safety Act, 1976.
209. Newfoundland has enacted the Occupational Health and Safety Act which came into force on June 26, 1979.

#### Application

210. The Lieutenant-Governor in Council is empowered to make regulations designating any employment as an occupation under the Act. It is specified that the new Act applies to the Government of the province.

#### Duties of Employers and Workers

211. Duties are prescribed for employers, workers, self-employed persons, principal contractors and suppliers of tools, appliances or equipment.

#### Occupational Health and Safety Council

212. An "Occupational Health and Safety Council" consisting of persons appointed by the Lieutenant-Governor in Council is established.
213. The membership of the Council is to include equal representation from labour and management and is also to include representatives from the general public.
214. The duties of the Council are to advise the Minister of Labour and Manpower on the administration of the Act and the regulations, on occupational health and safety and on any other related matter that he has referred to it.

#### Occupational Health and Safety Division

215. An Occupational Health and Safety Division is established within the Department of Labour and Manpower to administer the Act and the regulations.



216. There may be appointed, in the manner provided by law, an Executive Director of Occupational Health and Safety to administer the Division, a Chief Occupational Health and Safety Officer, occupational health and safety officers and such other employees as may be necessary for the administration of the Act and regulations.
217. The Lieutenant-Governor in Council may, by order, designate agencies, divisions or parts of other departments of government, or of any other body constituted by an Act, and their employees, to become part of the Division.
218. The duties of the division are:
- (1) to be concerned with occupational health and safety and the maintenance of reasonable standards for the protection of the health and safety of workers and self-employed persons in the province;
  - (2) to prepare morbidity and accident statistics of workers and self-employed persons, either alone or in conjunction with the Workers' Compensation Board, the Department of Health or other departments and agencies;
  - (3) to provide services to assist occupational health and safety committees, worker health and safety representatives, employers, workers and self-employed persons in maintaining reasonable standards of occupational health and safety;
  - (4) to promote or conduct studies and research projects in the field of occupational health and safety; and
  - (5) to encourage and conduct educational programs through seminars and courses of training to promote occupational health and safety.

#### Enforcement

219. The Executive Director of the Division, or a person designated by him, and occupational health and safety officers including the Chief Occupational Health and Safety Officer are given broad powers to perform inspections of workplaces. These powers include the authority to issue stop work and improvement orders as well as the right to order to stop using equipment and to order a supplier to stop supplying equipment.

#### Codes of Practice

220. The Minister of Labour and Manpower may, in writing, require an employer or principal contractor to establish a code of practice or to adopt one that he specifies.



Occupational Health and Safety Committees

221. The Minister of Labour and Manpower is given the power to order the establishment of occupational health and safety committees by an employer at every workplace where ten or more workers are employed, to monitor the health, safety and welfare of such workers.
222. A committee must consist of such number of persons as may be agreed to by the employer and the workers; the members must be at least two but not more than 12.
223. At least half of the members of a committee are to be persons representing the workers, who are not connected with the management of the workplace.
224. The employee representatives on the committee are to be elected by their fellow workers or appointed in accordance with the constitution of the union of which the workers are members.
225. The duties of a committee established under the Act are as follows:
  - (1) it must seek to identify aspects of the workplace that may be unhealthy or unsafe;
  - (2) it may make recommendations to principal contractors, employers, workers, self-employed persons and the Director or an officer for the enforcement of standards to protect the health, safety and welfare of workers at the workplace;
  - (3) it must receive complaints from workers as to their concerns about health and safety in the workplace and their welfare;
  - (4) it must establish and promote health and safety educational programs for workers;
  - (5) it must maintain records as to the receipt and disposition of complaints received from workers;
  - (6) it must co-operate with the Director or an officer who is exercising his duties under the Act; and
  - (7) it must perform such other duties and follow such procedures as may be prescribed by the regulations.
226. The meetings of a committee must take place during regular working hours at least once every three months and no worker is to suffer loss of pay or other benefits while engaged in such a meeting.

### Worker Health and Safety Representatives

227. Where a committee is not required to be established under the Act, the Minister may designate, by order, individual workplaces, or classes of workplaces in which a worker not connected with the management of the workplace is to be designated as the worker health and safety representative to monitor the health, safety and welfare of the workers employed at the workplace.
228. A worker health and safety representative is designated in the same way as a worker representative on an occupational health and safety committee and he has the same duties as those imposed upon a committee in so far as that is reasonably practicable.

### Right to Refuse Dangerous Work

229. A worker may refuse to do any work that he has reasonable grounds to believe is dangerous to his health or safety or that of any other person at the workplace. He may do this until remedial action has been taken by the employer to his satisfaction or until the committee, worker health and safety representative or an occupational health and safety officer has investigated the matter and advised him to return to work.
230. A worker who uses this right to refuse dangerous work may be reassigned to other work that is reasonably equivalent to the work he normally performs and he must accept such reassignment until he is able to return to his normal functions.
231. Such reassignment is not considered to be a discriminatory action.
232. Whether a worker who has reasonably refused dangerous work, is reassigned to other work or not, the employer must pay him the same wages or salary and grant him the same benefits that he would have received had he continued in his normal work, until he is able to return to such work.
233. Where a worker exercises his right to refuse dangerous work or where he believes that a tool, appliance or piece of equipment, or any aspect of the workplace is or may be dangerous to his health or that of his fellow workers or any other person at the workplace, he must immediately report it to his supervisor or foreman.
234. Where a worker has made such a report and the matter has not been remedied to his satisfaction, he must report it, either in writing or orally, to the Occupational Health and Safety Division or an occupational health and safety officer.

Protection against Disciplinary Action

235. No employer or union, as the case may be, may take any discriminatory action against a worker by dismissing him or by deducting any wages, salary or other benefits, or by taking any other disciplinary action against him for one of the following reasons:
- (1) because of the worker's participation in or association with the committee or worker health and safety representative at the workplace, or because the worker is a worker health and safety representative;
  - (2) because the worker has testified or is about to testify in any proceeding or inquiry under the Act or regulations;
  - (3) because the worker has given any information to an officer or any other person concerned with the administration of the Act or regulations concerning the health, safety and welfare of workers at his workplace; or
  - (4) because the worker has reasonably refused to work pursuant to his right to do so under the Act.
236. Where a worker is disciplined or dismissed for one of these reasons, there is a presumption that the disciplinary action or dismissal was discriminatory and the onus is on the employer or union, as the case may be, to show otherwise.
237. Where a worker alleges that his employer or his union has taken discriminatory action against him for any of the reasons mentioned above, he may apply to the Labour Relations Board for a determination as to whether the action was discriminatory. However, where a collective agreement is in force between a union of which a worker who alleges discrimination is a member, and the employer, and the collective agreement provides for the use of a grievance procedure where discrimination is alleged, that grievance procedure must be followed by the worker.
238. Where the Labour Relations Board makes a finding that the action was discriminatory, it must take the following actions:
- (1) order the employer to reinstate the worker under the same terms and conditions under which he was formerly employed;
  - (2) order the employer to pay or make up to the worker his lost wages, salary and other benefits;

- (3) order that any reference to the dismissal or disciplinary action on the employer's records be deleted; and
- (4) order the reinstatement of the worker to his trade union where the worker has been expelled by the union.

#### Medical Examinations

- 239. The Act contains provisions dealing with medical examinations of workers, the duty of a physician who finds that a person has an occupational disease, the registration of workers in hazardous occupations and the furnishing of medical reports.

#### Offences

- 240. A person who is guilty of an offence under the legislation, is liable on summary conviction to a maximum fine of \$5 000 or to a term of imprisonment not exceeding six months or to both. In addition to the imposition of a fine, the court may impose a penalty not exceeding \$1 000 for each day during which the offence continues.
- 241. Where a corporation has been convicted of an offence, any of its officers, directors or agents who directed, authorized, assented to, acquiesced or participated in the commission of the infraction is guilty of an offence under the Act.

#### Mines

- 242. Effective September 1, 1978, Saskatchewan has issued new Mines Regulations under the Occupational Health and Safety Act, 1977.
- 243. The Regulations apply to all employers and self-employed persons and workers and other persons to whom the Act applies with respect to a mine except where the context of the Regulations makes it clear that it applies only to certain of such persons.
- 244. In Newfoundland, the Mines (Safety of Workmen) Regulations, 1957 have been republished in the Newfoundland Gazette of October 20, 1978. These regulations issued under the Regulation of Mines Act, have been amended by the Mines (Safety of Workmen) (Amendment No. 1) Regulations, 1979.
- 245. By virtue of the amendment, the Minister is given power to adopt certain codes, to order the establishment of a joint health and safety committee in mines with 10 or more workers and to prescribe the election of a worker health and safety representative when such a committee is not required. Workers are also given the right to refuse work involving "undue danger" and are protected against any disciplinary action when they use this right reasonably.

Establishments under Federal Jurisdiction

246. Effective September 1, 1978, the federal jurisdiction has issued Safety and Health Committee Regulations under the Canada Labour Code. Also, on May 9, 1979, the Canada Boiler and Pressure Vessel Regulations and the Canada Elevating Devices Regulations have been made under the Code, replacing regulations adopted respectively in 1975 and 1971.

Proclamation

247. The Canadian Centre for Occupational Health and Safety Act which was described in Legislative Review No. 11, paragraphs 222 to 231, has been proclaimed effective as of October 1, 1978. The Centre reports to the Parliament of Canada through the Minister of Labour.



#### IV. WORKERS' COMPENSATION

248. During the last year, most provinces have amended their workers' compensation legislation. In Quebec, the changes have been the most important since the adoption of the Workmen's Compensation Act in 1931.

##### Coverage

249. In Quebec, following the adoption of Bill 114, an Act to amend the Workmen's Compensation Act and other legislation, the Act now applies to every industry or part of an industry, except domestic services where the worker is employed by an individual to serve at his domicile, and sports activities where the worker is a participating athlete.
250. In New Brunswick, the fishing industry has been deleted from those industries which are under the compulsory coverage of the Act.
251. Following amendments to the Alberta Workers' Compensation Act, the Board may, on such terms and conditions as it considers appropriate, by order declare that the Act applies to persons who are engaged on a voluntary basis as firemen, ambulance drivers or attendants, or in similar employment undertaken in the public interest whether or not remuneration is paid for that employment.
252. In Newfoundland, an employee is permitted to make an application to the Board in order that he and the industry in which he works may be brought under the Act.

##### Earnings Ceiling

253. The maximum insurable earnings have been increased in most jurisdictions as follows:

<u>Jurisdiction</u>	<u>Annual Maximum Wage Rate</u>	<u>Date of Coming Into Force</u>
Alberta	from \$15 600 to \$16 550	1/7/78
British Columbia	from \$17 600 to \$19 300	1/1/79
Manitoba	from \$17 000 to \$18 000	1/1/79
New Brunswick	from \$12 000 to \$15 000	1/1/79
Newfoundland	from \$12 000 to \$14 000	1/1/79
Ontario	from \$15 000 to \$16 200	1/7/78
Quebec	from \$18 000 to \$20 000	1/1/79
Saskatchewan	from \$18 000 to \$20 000	1/1/79
Yukon Territory	from \$17 000 to \$19 000	1/1/79

Benefits to Dependants

254. The death benefits paid in respect of a compensable accident have been raised to new levels as shown in the following table:

<u>Jurisdiction</u>	<u>Funeral Maximum</u>	<u>Transportation of Body Maximum</u>	<u>Widow Lump Sum</u>
British Columbia	\$929.95 plus \$309.99 for plot or cremation	\$309.99 (only expenses within province allowed)	\$774.99(2)
Newfoundland	\$600	\$175	\$750(1)
Ontario	\$800	Necessary expenses	\$800(1, 2)
Prince Edward Island	\$500	\$100	\$500(1)
Quebec	\$600	Necessary expenses as prescribed by regulation	\$500(1, 2)
Yukon Territory	\$933	\$165	\$815(1)

(1)A widower dependent on his deceased wife's earnings is eligible for the same benefits as a widow (only an invalid dependent widower is eligible in Nfld.)

(2)In case no spouse is surviving, the foster mother is eligible for the lump sum (or the common-law wife in B.C.); in Quebec, the dependants share the lump sum.

255. Many jurisdictions have also amended their legislation concerning the pensions paid to the dependant(s) of a deceased worker.
256. In Alberta, if a worker dies as a result of a compensable injury and the accident occurred on or after July 1, 1978, the dependent spouse receives the same pension the deceased worker would have received had the accident resulted in permanent total disability (75% of actual earnings up to a maximum of \$1 034.38 per month or a minimum pension of \$463 per month)
257. If the accident occurred on or between January 1, 1974 and June 30, 1978, the dependent spouse receives the pension that the deceased worker would have been paid if his injury, rather than causing his death, had resulted in permanent total disability (minimum: \$463 per month) or the addition of 6% to the existing pension whichever is the greater.

258. The pension that a dependent spouse receives in respect of an accident that occurred before January 1, 1974, has been increased to \$463 per month (formerly \$345).
259. An allowance of \$95 per month (\$90 previously) for each eligible dependent child is also paid.
260. Upon remarriage on or after July 1, 1978, any dependent widow or widower under the legislation is granted a lump sum of \$5 556 and the pension is discontinued. In this event, eligible dependent children are entitled to receive an allowance of \$95 per month.
261. In New Brunswick, effective January 1, 1979, the monthly pension paid to a surviving spouse, has been increased from \$250 to \$300 with an additional allowance of \$75 per month for each eligible child compared with \$50 previously.
262. The monthly payment to an orphan child under 21 who attends regularly at a school, has been increased from \$75 to \$100.
263. Since January 20, 1978, an eligible widow or invalid widower in Newfoundland, receives a monthly pension of \$300 compared with \$250 previously.
264. In Ontario, changes have been made during the last year, to upgrade dependants' monthly allowances to new levels as follows:

<u>Dependent Widow or Widower</u>	<u>Child with Parent under 16</u>	<u>Orphan Child under 16</u>	<u>Effective Date</u>
\$318	\$86	\$ 98	1/7/76
\$344	\$93	\$106	1/7/77
\$365	\$99	\$113	1/7/78

265. Prince Edward Island has removed from its legislation the requirement that a dependent widower be an invalid to receive compensation payments.
266. The Workers' Compensation Board is now authorized to make compensation payments to the dependent common-law spouse of a deceased worker who leaves no dependent spouse. They must have cohabited for the five years preceding the death or for two years if they had one or more children.
267. In Quebec, following amendments to the Workmen's Compensation Act, the definition of "consorts" has been broadened to include a man and a woman who live together as husband and wife and who at the time of the accident had been living together for three years or for one if a child was born of their union and were publicly represented as consorts.

268. The death of a worker occurring on or after January 1, 1979 entitles the surviving consort, for life, and the other dependants or, if there is no surviving consort, the dependent persons, in equal portions, to a proportion of the pension to which the worker would have been entitled had he survived and suffered a total disability. This proportion is established at 55% for a dependant, at 65% for two such persons with an additional 5% for each dependant over two, up to 80%. If there are persons wholly and others partially dependent, the Workmen's Compensation Commission may allow to each a part of the compensation that is proportionate to the pecuniary loss.
269. The minimum monthly amounts payable are \$247.69 for a consort, \$312.11 if he/she has one child and \$376.53 if there is more than one child.
270. The surviving consort under 35 and the dependent person who is or has been married to a worker and is separated, divorced or whose marriage has been cancelled by a judgment of the court and who, at the time of the accident, was entitled to receive alimony from the worker, are no longer considered to be dependants five years after the worker's death when these persons are without children and are not invalid.
271. In Nova Scotia, Quebec and the Yukon Territory, benefits to dependants are upgraded annually in relation to the increase in the cost-of-living; the same applies to British Columbia where the raise is semi-annual.

#### Disability Benefits

272. In Alberta, British Columbia, New Brunswick, Nova Scotia, Ontario and the Yukon Territory, the minimum compensation for total disability has been increased as follows:

<u>Jurisdiction</u>	<u>Permanent Total Disability</u>	<u>Temporary Total Disability</u>
Alberta	\$463 per month (formerly \$436)	weekly equivalent of permanent total*
British Columbia	\$503.75 per month (formerly \$480.99)	\$116.24 per week* (formerly \$110.99)
New Brunswick	\$500 per month (formerly \$400)	\$90 per week* (no change)
Nova Scotia	\$332 per month (formerly \$307)	\$82.50 per week* (no change)
Ontario	\$509 per month (formerly \$480)	\$115 per week* (formerly \$90)
Yukon Territory	\$77 per week* (formerly \$71)	\$77 per week* (formerly \$71)

\*Or earnings, if less.



273. In Quebec, the compensation paid to eligible disabled workers is now based on 90% of annual net income rather than 75% of gross earnings.

#### Compensable Diseases

274. The following diseases have been added to the schedule setting out industrial diseases covered by the Newfoundland Workers' Compensation Act:

- . industrial deafness caused by any process that involves prolonged and continuous exposure to excessive noise;
- . lung cancer related to asbestos mining;
- . pneumoconiosis associated with mining;
- . stomach cancer caused by asbestos mining.

#### Third Party Actions

275. In Quebec, the amendments to the Workmen's Compensation Act have extended to every employer whose industry is subject to the Act, the exemption from civil liability granted up until then to the employer of the injured worker. This, however, does not apply when the fault of an employer other than the worker's employer, constitutes an offence or a criminal act within the meaning of the Criminal Code.
276. Notwithstanding any provision to the contrary and notwithstanding the fact that compensation may have been obtained, the beneficiary, may, before the prescription enacted in the Civil Code is acquired, claim, under common-law, from any person other than the employer of the worker any additional sum required to constitute, with the benefit due to him under the Act, an amount proportionate to the loss actually sustained.
277. It is specified that a recourse against a third party or a claim under common-law, as described above, may not be exercised against the workers, servants or mandataries of the employer whose industry is subject to the Act, by reason of any fault committed in the performance of their duties.

#### Rehabilitation

278. The powers of the Quebec Workmen's Compensation Commission have been broadened in matters of rehabilitation of disabled workers.



## DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, most Bills are referred to a committee to undergo detailed study and possible amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole house.

After third reading and adoption, a Bill then, must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. This date may be indeterminate.

An index of Bills introduced or passed during the current period is attached to this report. The date of disposition of Bills is mentioned unless the information was not available (N/A) at the time the index was prepared.

INDEX OF BILLS

June 1, 1978 - May 31, 1979

Legislature	Bill No.	Title	Disposition
Federal 1978-79		<u>Government Bills</u> <u>Fourth Session</u>	
	C-3	An Act to amend The Corporations and Labour Unions Returns Act	1st reading 16/10/78
	C-8	An Act to provide for the resumption and continuation of postal services	Royal Assent 18/10/78
	C-11	An Act to provide for the resumption and continuation of shipping on the Great Lakes and certain other waters	Royal Assent 23/10/78
	C-17	An Act to promote public safety and the protection of the environment in the transportation of dangerous goods	1st reading 09/11/78
	C-22	An Act to amend the Public Service Staff Relations Act and to establish the National Pay Research Board	1st reading 21/11/78
	C-27	An Act to establish the Canada Post Corporation, to amend the Post Office Act, to confirm certain orders and to make related amendments to other Acts	1st reading 11/12/78
	C-30	An Act to amend the Department of Labour Act	1st reading 15/12/78
	C-31	An Act to establish the Collective Bargaining Information Centre	1st reading 15/12/78
	C-52	An Act to amend the Financial Administration Act (garnishment and attachment)	1st reading 20/03/79
		<u>Private Members' Bills</u> <u>Fourth Session</u>	
	C-232	An Act to amend the Holidays Act	Committee Reported 13/03/79
	C-233	An Act to amend the Canada Labour Code (motor vehicle undertakings)	1st reading 30/10/78

Legislature	Bill No.	Title	Disposition
Federal (continued) 1978-79		<u>Private Members' Bills Fourth Session</u>	
	C-234	An Act for the settlement of labour disputes in essential services	1st reading 30/10/78
	C-243	An Act respecting Magna Carta Day	1st reading 30/10/78
	C-245	An Act to amend the Lord's Day Act (penalties)	1st reading 30/10/78
	C-247	An Act respecting National Heritage Day	1st reading 30/10/78
	C-257	An Act to amend the Canadian Citizenship Act (time off without loss of pay for appearance in Citizenship Court)	1st reading 30/10/78
	C-263	An Act to amend the Canada Labour Code (certification of union)	1st reading 30/10/78
	C-266	An Act to amend the Canada Labour Code (safety of employees)	1st reading 30/10/78
	C-270	An Act to amend the Public Service Employment Act (Canadian citizens)	1st reading 30/10/78
	C-278	An Act to amend the Public Service Employment Act (partisan activity by Ministers' staffs)	1st reading 30/10/78
	C-282	An Act to amend the Transport Act respecting the transportation, storage and disposal of hazardous substances	1st reading 30/10/78
	C-309	An Act respecting the conditions under which public servants may accept employment upon leaving the public service	1st reading 30/10/78
	C-313	An Act to amend the Canada Labour Code	1st reading 30/10/78
	C-322	An Act to amend the Environmental Contaminants Act	1st reading 30/10/78

Legislature	Bill No.	Title	Disposition
Federal (continued) 1978-79		<u>Private Members' Bills Fourth Session</u>	
	C-331	An Act to amend the Public Service Staff Relations Act and the Canada Labour Code to provide for the establishment of sector bargaining	1st reading 30/10/78
	C-340	An Act respecting employment with the Government of Canada not covered by the Public Service Employment Act	1st reading 30/10/78
	C-363	An Act to amend the Canada Labour Code (provision for ten general holidays with pay)	1st reading 30/10/78
	C-369	An Act to amend the Public Service Staff Relations Act	1st reading 30/10/78
	C-370	An Act to amend the Public Service Staff Relations Act (strike ballots)	1st reading 30/10/78
	C-374	An Act to amend the Canada Labour Code (increased minimum hourly wage)	1st reading 30/10/78
	C-375	An Act respecting the implementation of International Labour Organization Convention 96, concerning fee charging employment agencies	1st reading 30/10/78
	C-381	An Act to amend the Hazardous Products Act (aluminum wiring)	1st reading 30/10/78
	C-385	An Act to amend the Lord's Day Act	1st reading 30/10/78
	C-400	An Act to amend the Canada Labour Code (three weeks annual vacation after three years)	1st reading 30/10/78
	C-402	An Act respecting noise in factories	1st reading 30/10/78
	C-409	An Act to amend the Canada Labour Code (strike or lockout)	1st reading 30/10/78
	C-410	An Act to amend the Canada Labour Code	1st reading 30/10/78

Legislature	Bill No.	Title	Disposition
Federal (continued) 1978-79		<u>Private Members' Bills</u> <u>Fourth Session</u>	
	C-415	An Act respecting votes in labour unions	1st reading 30/10/78
	C-419	An Act to amend the Canada Labour Code (reserve forces training leave)	1st reading 30/10/78
	C-427	An Act to amend the Unemployment Insurance Act, 1971 (benefits to adopting parent)	1st reading 30/10/78
	C-431	An Act to amend the Canada Labour Code (right to work)	1st reading 30/10/78
	C-440	An Act to amend the Canada Labour Code (secret ballot)	1st reading 30/10/78
	C-443	An Act to amend the Unemployment Insurance Act, 1971 (labour dispute)	1st reading 15/11/78
	C-451	An Act to amend the Public Service Employment Act (oaths and confidential information)	1st reading 20/12/78
		<u>Senate</u>	
	S-3	An Act to implement the International Convention for Safe Containers	<u>Senate</u> 3rd reading 02/11/78 <u>Commons</u> 1st reading 03/11/78
Alberta 1978		<u>Government Bills</u> <u>Fourth Session</u>	
	21	The Workers' Compensation Amendment Act, 1978	Royal Assent 16/05/78
	259	The Burial of the Dead Act	Royal Assent 03/11/78
British Columbia 1978		<u>Government Bills</u> <u>Third Session</u>	
	19	Urban Transit Authority Act	Royal Assent 29/06/78



Legislature	Bill No.	Title	Disposition
British Columbia (continued) 1978		<u>Government Bills Third Session</u>	
	35	Fire Marshal Amendment Act	Royal Assent 29/06/78
	40	Miscellaneous Statutes Amendment Act, 1978	Royal Assent 29/06/78
	42	Builders Lien Act	1st reading 29/06/78
	43	Repairers Lien Act	1st reading 29/06/78
	46	West Kootenay Schools Collective Bargaining Assistance Act	Royal Assent 08/12/78
Manitoba 1978		<u>Government Bills Second Session</u>	
	28	An Act to amend the Payment of Wages Act	Royal Assent 21/07/78
	69	An Act to amend The Civil Service Act	Royal Assent 21/07/78
	71	The Statute Law Amendment Act (1978)	Royal Assent 21/07/78
1979		<u>Government Bills Third Session</u>	
	15	An Act to amend The Garnishment Act	Royal Assent 11/05/79
	22	The Public Schools Act	1st reading 12/03/79
	35	An Act to amend The Workers' Compensation Act	1st reading 11/04/79
	39	The Statute Law Amendment Act (1979)	1st reading 23/04/79
	48	An Act to amend The Civil Service Act	1st reading 14/05/79

Legislature	Bill No.	Title	Disposition
Manitoba (continued) 1979		<u>Private Member's Bill Third Session</u>	
	53	An Act to amend The Employment Standards Act	1st reading 14/05/79
New Brunswick 1978		<u>Government Bill Fourth Session</u>	
	47	An Act to Amend The Workmen's Compensation Act	Royal Assent 28/06/78
1979		<u>Government Bills First Session</u>	
	14	An Act to Amend The Silicosis Compensation Act	2nd reading 21/03/79
	15	An Act to Amend the Fire Prevention Act	2nd reading 21/03/79
	26	An Act to Amend The Schools Act	2nd reading 19/04/79
	34	An Act to Amend The Police Act	Royal Assent 14/06/79
	38	An Act to Amend The Mining Act	2nd reading 04/05/79
	46	An Act to Amend the Industrial Relations Act	2nd reading 15/05/79
	48	An Act to Amend The Occupational Safety Act	1st reading 15/05/79
	49	An Act to Amend The Workmen's Compensation Act	1st reading 15/05/79
Newfoundland 1978		<u>Government Bills Third Session</u>	
	24	Occupational Health and Safety Act	Royal Assent 06/06/78
	66	An Act to Amend The Newfoundland Teacher (Collective Bargaining) Act, 1973	N/A

Legislature	Bill No.	Title	Disposition
Newfoundland (continued) 1978		<u>Government Bills Third Session</u>	
	75	An Act to Amend The Constabulary Act	Royal Assent 21/11/78
	76	An Act to Amend The Workmen's Compensation Act	Royal Assent 21/11/78
		<u>Government Bills Fourth Session</u>	
1978-79	3	An Act to Amend The Fire Prevention Act	N/A
	8	An Act to Amend The Workers' Compensation Act	N/A
	10	An Act to Amend The Schools Act	N/A
	22	An Act Respecting the Garnishment Against The Remuneration of Public Officials	N/A
Nova Scotia 1978-79		<u>Government Bills First Session</u>	
	49	An Act to amend The Building Code Act	Royal Assent 15/05/79
	69	An Act to amend The Workmen's Compensation Act	Royal Assent 15/05/79
		<u>Private Members' Bills First Session</u>	
1978-79	16	An Act to amend The Fire Prevention Act	1st reading 02/03/79
	19	An Act to amend The Trade Union Act	1st reading 02/03/79
	28	An Act to amend The Workmen's Compensation Act	1st reading 07/03/79
	77	An Act to amend The Industrial Safety Act	1st reading 30/04/79
	83	An Act to amend The Trade Union Act	1st reading 07/05/79

Legislature	Bill No.	Title	Disposition
Ontario 1978		<u>Government Bills Second Session</u>	
	70	Occupational Health and Safety Act, 1978	Royal Assent 15/12/78
	126	An Act to Amend The Workmen's Compensation Act	Royal Assent 23/06/78
	141	The Toronto Transit Commission Labour Disputes Settlement Act, 1978	Royal Assent 13/09/78
	154	An Act respecting a Decision of the Grievance Settlement Board dated the 17th day of March, 1978 in the Arbitration of a Grievance between Samuel Johnston and the Crown in right of Ontario under The Crown Employees Collective Bargaining Act, 1972	1st reading 26/10/78
	173	An Act to amend The Crown Employees Collective Bargaining Act, 1972	1st reading 09/11/78
1979		<u>Government Bills Third Session</u>	
	19	An Act to amalgamate the Ministry of Colleges and Universities and the Ministry of Education	1st reading 15/03/79
	25	An Act to amend The Labour Relations Act	Royal Assent 14/06/79
	136	An Act to stabilize Employment of Tradesman in the Construction Industry	1st reading 06/03/79
1978		<u>Private Members' Bills Second Session</u>	
	99	An Act respecting Simcoe Day	2nd reading 15/06/78
	102	An Act to regulate Hours of Operation of Retail Businesses	1st reading 30/05/78

Legislature	Bill No.	Title	Disposition
Ontario (continued) 1978		<u>Private Members' Bills Second Session</u>	
	107	An Act to amend The Labour Relations Act	1st reading 01/06/78
	109	An Act to amend The Labour Relations Act	1st reading 02/06/78
	160	An Act to amend The Coroners Act, 1972	1st reading 26/10/78
	161	An Act to amend The Employment Standards Act, 1974	1st reading 26/10/78
	162	An Act to amend The Labour Relations Act	1st reading 26/10/78
	164	An Act to amend The Employment Standards Act, 1974	1st reading 30/10/78
	167	An Act to amend the Mining Act	1st reading 02/11/78
	169	An Act to amend The Labour Relations Act	1st reading 07/11/78
	170	An Act to amend The Labour Relations Act	1st reading 07/11/78
	176	An Act to amend The Labour Relations Act	1st reading 16/11/78
	177	An Act to amend The Employment Standards Act, 1974	1st reading 16/11/78
	178	An Act to amend The Employment Standards Act, 1974	1st reading 16/11/78
	182	An Act to amend The Labour Relations Act	1st reading 21/11/78
	196	An Act to amend The Employment Standards Act, 1974	1st reading 05/12/78
	197	An Act to amend The Crown Employees Collective Bargaining Act, 1972	1st reading 05/12/78
	211	An Act to amend The Employment Standards Act, 1974	1st reading 15/12/78



Legislature	Bill No.	Title	Disposition
Ontario (continued) 1979		<u>Private Members' Bills Third Session</u>	
	3	An Act to amend The Employment Standards Act, 1974	2nd reading 17/05/79
	4	An Act respecting the Rights of Non-Unionized Workers	1st reading 08/03/79
	6	An Act to amend The Labour Relations Act	1st reading 08/03/79
	36	An Act to declare the Application of certain Parts of The Employment Standards Act, 1974	1st reading 03/04/79
	37	An Act to amend The Labour Relations Act	1st reading 03/04/79
	39	An Act to amend The Workmen's Compensation Act	1st reading 05/04/79
	62	An Act to amend The Employment Standards Act, 1974	1st reading 17/04/79
	63	An Act respecting Simcoe Day	1st reading 19/04/79
	70	An Act to amend The Education Act, 1974	1st reading 26/04/79
	85	An Act to provide Political Rights for Public Servants	1st reading 11/05/79
	91	An Act respecting The Haldimand Board of Education and Teachers Dispute	1st reading 15/05/79
	98	An Act to amend The Employment Standards Act	1st reading 18/05/79
	120	An Act to amend The Workmen's Compensation Act	1st reading 05/06/79
Prince Edward Island 1978		<u>Government Bills First Session</u>	
	11	An Act to Amend the Workers' Compensation Act	Royal Assent 12/07/78

Legislature	Bill No.	Title	Disposition
Quebec 1978-79		<u>Government Bills Third Session</u>	
	16	An Act to amend the Electricians and Electrical Installations Act and the Building Contractors Vocational Qualifications Act	Royal Assent 13/06/78
	17	An Act to amend the Stationary Enginemen Act	Royal Assent 13/06/78
	18	An Act to amend the Pipe-Mechanics Act and to again amend the Building Contractors Vocational Qualifications Act	Royal Assent 13/06/78
	43	An Act to amend the Minimum Wage Act	Royal Assent 08/06/78
	48	National Holiday Act	Royal Assent 08/06/78
	50	Civil Service Act	Royal Assent 23/06/78
	52	An Act to amend the Construction Industry Labour Relations Act	Royal Assent 23/06/78
	54	An Act to amend the Public Service Board Act	Royal Assent 13/06/78
	55	An Act respecting the organization of the management and union parties in view of collective bargaining in the sectors of education, social affairs and government agencies	Royal Assent 23/06/78
	59	An Act to amend the Labour Code	Royal Assent 23/06/78
	110	An Act to amend the Building Contractors Vocational Qualifications Act and other legislation	Royal Assent 15/02/79
	114	An Act to amend the Workmen's Compensation Act and other legislation	Royal Assent 22/12/78

Legislature	Bill No.	Title	Disposition
Quebec (continued) 1978-79		<u>Government Bills Third Session</u>	
	126	An Act respecting labour standards	2nd reading 10/04/79
	128	An Act to again amend the Minimum Wage Act	Royal Assent 15/02/79
Saskatchewan 1979		<u>Government Bills First Session</u>	
	2	An Act to amend The Attachment of Debts Act	Royal Assent 03/05/79
	14	An Act to Repeal The Industrial Standards Act	Royal Assent 03/05/79
	25	An Act to Amend The Department of Labour Act	Royal Assent 03/05/79
	70	An Act to Amend The Mechanics Lien Act	Royal Assent 03/05/79
	71	An Act to Repeal The Public Works Creditors' Payment Act	Royal Assent 03/05/79
	88	An Act Respecting Labour Relations in the Construction Industry in Saskatchewan	Royal Assent 03/05/79
	99	The Workers' Compensation Act, 1979	Royal Assent 03/05/79
	108	An Act to amend The Statute Law	Royal Assent 03/05/79
Yukon 1978		<u>Private Member's Bill Tenth Session</u>	
	101	An Ordinance to amend the Mining Safety Ordinance	Royal Assent 27/04/78









CAI  
L 11  
-L26

# LEGISLATIVE REVIEW

number 13  
april 30, 1980



Labour  
Canada

Travail  
Canada



# **LEGISLATIVE REVIEW**

number 13  
april 30, 1980

Labour Canada  
Legislative Analysis

Published by Authority of the Honourable Gerald A. Regan,  
Minister of Labour, Government of Canada

(Cette publication est également disponible en français  
sous le titre Revue de la législation.

© Minister of Supply and Services Canada 1980

Cat. No. L 12-12/13-1980E

ISBN 0-662-11012-9



## FOREWORD

The Legislative Review is an annual report which describes pertinent labour legislation enacted by the federal, provincial and territorial governments.

Issue No. 13 covers the period from June 1, 1979 to April 30, 1980. It sets out enactments in the fields of employment standards, industrial relations, occupational safety and health and workers' compensation.

The present issue is co-authored by Nicole Marchand, Michel Gauvin and Jacqueline Bilodeau of the Legislative Analysis Division.

R.W. Crowley,  
Director-General,  
Central Analytical  
Services,  
Labour Canada.

J.P. Whitridge,  
Director,  
Library and Legislative  
Analysis,  
Labour Canada.



## LEGISLATIVE REVIEW

June 1, 1979 - April 30, 1980\*

	<u>Page</u>
I. Employment Standards	1
II. Industrial Relations	8
A. Legislation of General Application	8
B. Public Sector	10
C. Emergency Legislation	11
D. Construction Industry	13
III. Occupational Safety and Health	15
IV. Workers' Compensation	27
Disposition of Bills	33
Index of Bills - June 1, 1979 - April 30, 1980	34

---

\*Bills and regulations not received in time for the printer's deadline will be included in the next issue.

<u>Contents</u>	<u>Paragraphs</u>
I. Employment Standards	1 - 30
Introduction	1
Federal	2
Alberta	3 - 4
Ontario	5
Québec	6 - 28
Bill 126	6 - 23
Coverage	7 - 9
Commission des normes du travail	10 - 11
Labour Standards	12 - 18
Minimum wage	12
Hours of work	13
General holidays	14
Annual vacations with pay	15
Weekly rest day and other leaves	16 - 17
Termination of employment	18
Recourses available to an employee	19 - 22
Civil recourses	19
Recourses against illegal dismissal	20
Unjust dismissal	21 - 22
Offences and penalties	23
Minimum wage	24 - 27
Regulation with respect to levy	28
Saskatchewan	29
Minimum wage rates in force on April 30, 1980	30
II. Industrial Relations	31 - 72
A. Legislation of General Application	31 - 43
Ontario	31 - 33
Nova Scotia	34 - 41
Federal	42 - 43

<u>Contents</u>	<u>Paragraphs</u>
B. Public Sector	44 - 49
Civil Servants	44 - 45
British Columbia	44
Manitoba	45
Firefighters	46 - 48
Manitoba	46 - 48
Hospital Employees	49
Ontario	49
C. Emergency Legislation	50 - 61
Québec	50 - 61
D. Construction Industry	62 - 72
Alberta	62 - 66
Ontario	67 - 72
III. Occupational Safety and Health	73 - 175
Introduction	73
Ontario	74 - 75
Coming into force of a new Act	74
Adoption of regulations	75
Quebec	76 - 152
Adoption of a new Act	76
Scope	77
Rights and Obligations	78
Right to Refuse Dangerous Work	79 - 104
Protective Re-Assignment	105 - 111
Re-assignment of a pregnant worker	112 - 119
Prevention Programme	120
Health and Safety Committees	121 - 132
Safety Representatives	133 - 138
Sector-Based Associations	139 - 142
Health Services at the Workplace	143
Commission de la santé et de la sécurité du travail	144
Inspections	145
Construction Sites	146



<u>Contents</u>	<u>Paragraphs</u>
Recourses	147
Offences	148
Legislation Replaced	149
Coming into Force	150
Adoption of a regulation	151 - 152
British Columbia	153 - 162
Amendments to Regulations	153 - 161
Revision of Industrial First Aid Regulations	162
Nova Scotia	162
Revision of First Aid Regulations	162
New Brunswick	163 - 165
Amendments to an Act	163 - 165
Newfoundland	166 - 171
Adoption of Regulations	166 - 169
Amendments to an Act	170 - 171
Federal	172 - 175
Adoption of Regulations	172 - 174
Revision of Regulations	175
IV. Workers' Compensation	176 - 215
Introduction	176
Coverage	177 - 179
Earnings Ceiling	180
Benefits to Dependents	181 - 207
Disability Benefits	208 - 215

## I. EMPLOYMENT STANDARDS

1. Employment standards legislation was amended in Alberta, Ontario, Québec and Saskatchewan. The Federal has also adopted a new Regulation.
2. The federal government has adopted a regulation exempting employees in the radio and television industry who are considered commission salesmen or remunerated on a salary-plus-commission basis from the provisions of the Canada Labour Code pertaining to hours of work, maximum hours of work, scheduling of hours and days of rest and overtime pay.
3. In Alberta, the minimum wage payable to employees over 18 including those who are paid wholly or partially by commissions or on the basis of piece work was changed to \$3.50 per hour (before \$3.00) as of May 1, 1980. Employees under 18 are entitled to receive \$3.35 (before \$2.85) since May 1, 1980.
4. The minimum wage payable to students under 18 who work part-time outside their normal school hours was also changed on May 1, 1980 from \$2.50 to \$3.00.
5. Ontario has adopted a regulation amending Regulation 251 under the Employment Standards Act which exempts an employer who is engaged in the building or repair of a ship with a gross tonnage of over ten tons designed for commercial navigation from the termination of employment provisions in respect of an employee to whom a bona fide supplementary unemployment benefit fund applies, if it has been agreed upon by the employer and the employee, and if the employee agrees in writing to such exemption.
6. In Quebec, an Act respecting labour standards was proclaimed into force by the government on April 16, 1980 with the exception of certain provisions which will take effect at a later date.

### Coverage

7. The Act applies to an employee regardless of where that employee works, and to government agencies such as the Société générale de financement and its subsidiaries, Sidbec and its subsidiaries and la Société nationale de l'amiante and its subsidiaries. It also applies to certain employees who perform work both in Quebec and outside Quebec.
8. Certain categories of workers are excluded from the coverage of the Act such as a person employed to work on a farm where there are no more than three employees, an employee whose main duty is the care, in a dwelling of a child, a disabled, handicapped or aged person, if that work does not serve to procure profit to

the employer, and employers and employees covered by the Construction Industry Labour Relations Act (except in respect of the regulation granting maternity leave).

9. Are also excluded students who work during the school year in an establishment selected by an educational institution under an occupational training program approved by the ministère de l'Éducation, and an employee who is a party to a contract and whose remuneration is established by regulation pursuant to another act.

#### Commission des normes du travail

10. The Act establishes the Commission des normes du travail (Labour Standards Board) constituted of 7 members, one of whom acts as chairperson, appointed by the Government after consultation with the most representative employer and employee organizations. The Commission which replaces the Minimum Wage Commission is responsible for supervising the implementation and application of employment standards. The other functions of the Commission are to inform the public on matters dealing with labour standards, to make recommendations to the Minister, to receive complaints from employees and grant them compensation where necessary and to reimburse certain employees affected by the bankruptcy of their employer.
11. The Commission also has the power to make regulations including regulations with regard to the amount of wages subject to the levy.

#### Labour Standards

##### Minimum wage

12. Minimum wage payable to an employee is fixed by regulation of the government. The Act specifies that the wages must usually be paid at regular intervals of not more than 16 days (one month in the case of executives and certain employees under contract) and enumerates the particulars that must appear on the employee's pay sheet. It also provides that any gratuity paid directly or indirectly to an employee belongs to that employee and is not part of the wages otherwise due.

##### Hours of work

13. The regular workweek is changed from 45 to 44 hours except in cases where it is fixed by regulation of the government; overtime is now paid at one and one-half times the regular rate of wage. An employer may, with the authorization of the Commission stagger the working hours of his employees on a basis other than a weekly basis. Certain employees are excluded from

the 44 hour week provisions, such as a student employed in a summer camp, the immediate family of the employer, an executive officer in a company, agricultural workers and those employed in a fishing, fish processing or fish canning industry.

#### General holidays

14. The Act provides for 6 statutory holidays with pay: January 1, December 25 and 4 other days fixed by regulation. An employee who is not required to work on a statutory holiday must be paid an indemnity equal to the average of his daily wages for the 2 weeks preceding that holiday. If an employee is required to work on one of these days, he must be paid his regular wages for the work done plus an indemnity equal to his wages for a regular day of work or be given a compensatory holiday of one day. To benefit from a statutory holiday, an employee must be credited with 60 days of uninterrupted service and not be absent from work without the employer's authorization or without valid cause on the day preceding or following that holiday. These provisions do not apply to employees covered by a collective agreement or a decree containing at least six statutory holidays with pay in addition to the National Holiday (June 24th).

#### Annual vacations with pay

15. The legislation provides for a 2-week vacation with pay after one year's continuous service with the same employer and for a 3-week vacation after 10 years of uninterrupted service. Vacation pay is fixed at 4 per cent of the annual earnings of the employee after one year of employment and at 6 per cent after 10 years. These provisions do not apply to the employer's immediate family, to a student employed in a non-profit organization, to certain categories of salesmen, to an insurance agent remunerated on commission, to a supernumerary employee during the harvesting period and to a trainee within the framework of a training program recognized by law.

#### Weekly rest day and other leaves

16. An employee is entitled to a weekly minimum rest period of 24 consecutive hours. In the case of a farm worker, the day of rest may be postponed until the following week. An employer is also required to give his employees a rest period of 30 minutes without pay, for meals, after a period of 5 consecutive hours of work, unless a collective agreement or a decree provides otherwise.
17. An employee is entitled to one day of leave with pay by reason of the death or funeral of his spouse, his common law spouse, a child or a member of his immediate family. The employee is also entitled to 3 days of leave without pay in these circumstances. One day of leave with pay is granted on the day an employee is

getting married. On the wedding day of one of his children an employee is entitled to one day off without pay, and he is entitled to 2 days without pay in the case of the birth or adoption of a child.

#### Termination of employment

18. The Act modifies the provisions regarding notice of individual termination of employment. It is specified that, notwithstanding Article 1668 of the Civil Code, an employee who is credited with 3 months of uninterrupted service with the same employer is entitled to a prior notice in writing before being dismissed. This prior notice must be one week if the employee is credited with under one year of uninterrupted service, 2 weeks if he is credited with one to 5 years of service, 4 weeks if he is credited with 5 to 10 years and 8 weeks if he is credited with 10 years or over. These provisions do not apply in the case of executive officers.

#### Recourses Available to an Employee

##### Civil recourse

19. Where the employer fails to pay to an employee the wage owing to him, the Commission, on behalf of that employee, may claim the unpaid wage but the Commission cannot exercise that claim for a greater amount than what the employee would have been entitled to for the same period if he had been entitled to twice the minimum wage in force at the moment he worked. However, the employee retains the right to exercise himself his recourse for that part of wages which exceeds the amount claimed by the Commission. It is specified that the Commission may make an inquiry on its own initiative or on receipt of a complaint.

##### Recourse against illegal dismissal

20. The Act specifies that no employer may dismiss, suspend or transfer an employee on the ground that such employee has exercised one of his rights under this Act or a regulation, on the ground that such employee has given information to the Commission, on the ground that a seizure by garnishment has been made against such employee or on the ground that such employee is pregnant. A pregnant employee may request her employer to transfer her by presenting a medical certificate attesting that her conditions of employment are physically dangerous to her or her unborn child. It is provided that an employee who believes that he has been dismissed, suspended or transferred for one of these reasons may vindicate his rights before a labour commissioner appointed under the Labour Code.



Recourse against dismissals not  
made for good and sufficient cause

21. An employee credited with 5 years of uninterrupted service with one employer who believes that he has been dismissed without just and sufficient cause may present a complaint in writing to the Commission within thirty days of his dismissal, except where a remedial procedure other than an action for damages is provided for elsewhere in the Act, in another Act or in an agreement.
22. The commission may appoint a person to endeavour to settle the complaint to the satisfaction of the interested parties. Where no settlement is reached within thirty days of the filing of the complaint, the Commission appoints an arbitrator to resolve the dispute.

Offences and Penalties

23. The Act establishes fines for contravention to the Act and the proceedings are made under the Summary Convictions Act.
24. The general minimum wage rate and the rates payable to employees of forest operations, of sawmills, to those employed in public works and in the retail food trade have been increased in Quebec.
25. The Regulation concerning conditions of work of certain employees adopted under the Act respecting labour standards became effective April 16, 1980. This regulation replaces the General Ordinance No. 4 made by the Minimum Wage Commission. It reiterates the minimum wage rates which took effect April 1, 1980: \$3.65 for employees 18 and over, and \$3.23 for those who are under 18.
26. Employees who receive gratuities and who are under 18 are entitled to receive \$2.69 per hour, and those who are over 18 are entitled to \$3.00 per hour. As of April 16, 1980 this new regulation established a minimum wage of \$3.65 per hour for domestic workers who do not reside at the employer's dwelling and for agricultural workers. Domestic workers who reside with the employer should be paid \$122 per week. The standard work week for security guards and domestic workers who do not reside at the employer's dwelling is set at 44 hours, and at 53 hours for those who reside at the employer's place.
27. Four other ordinances have been amended in Québec to increase the minimum wage rates. These ordinances are No. 9 affecting employees of forest operations, No. 10 for sawmill workers, No. 13 on public works and No. 14 affecting retail food trade employees.

28. A regulation made by the former Minimum Wage Commission with respect to the levy came into force on January 1, 1980. It provides that since January 1, the amount of money levied from the employers is equal to 1/8 of 1 per cent of the payroll for the preceeding year. All employers who have employees working in Québec are subject to the levy with the exception of those who are expressly exempted and those who are excluded from the coverage of the Act.
29. In Saskatchewan the minimum wage was increased from \$3.35 to \$3.50 on October 1, 1979 and from \$3.50 to \$3.65 on May 1, 1980. The amending regulation also provided that every employee other than a student, a caretaker, a watchman or a building maintenance worker was to be paid at least \$10.50 as of October 1, 1979 and \$10.95 on May 1, 1980 each time he is required to report for work, not including overtime, whether he works three hours or less.
30. Minimum wage rates for experienced adult workers, young workers and students as of April 30, 1979.

<u>Jurisdiction</u>	<u>Minimum Wage Rate</u>	<u>Date of Coming into Force</u>
1. <u>Federal</u>		
Employees 17 and over	\$2.90	April 1, 1976
Employees under 17	\$2.65	April 1, 1976
2. <u>Alberta</u>		
Employees 18 and over	\$3.50	May 1, 1980
Employees under 18	\$3.35	May 1, 1980
Students under 18 employed on a part-time basis	\$3.00	May 1, 1980
3. <u>British Columbia</u>		
Employees 18 and over	\$3.00	June 1, 1976
Employees 17 and under	\$2.60	June 1, 1976
4. <u>Manitoba</u>		
Employees 18 and over	\$3.15	January 1, 1980
Employees under 18	\$2.70	September 1, 1976
Employees working in hotel trade establishments	\$2.95	April 30, 1979
5. <u>New Brunswick</u>		
General rate	\$2.80	November 1, 1976

	<u>Jurisdiction</u>	<u>Minimum Wage Rate</u>	<u>Date of Coming into Force</u>
6.	<u>Newfoundland</u>		
	General rate	\$2.80	June 1, 1979
7.	<u>Nova Scotia</u>		
	Employees 18 and over	\$2.75	January 1, 1977
	Underage employees (14-18)	\$2.50	January 1, 1977
8.	<u>Ontario</u>		
	General rate	\$3.00	January 1, 1979
	Students under 18 employed less than 28 hours per week or during school holiday	\$2.15	March 15, 1976
	Employees working in hotel trade establishments	\$2.50	March 15, 1976
9.	<u>Prince Edward Island</u>		
	Employees 18 and over	\$2.75	November 26, 1978
	Employees under 18	\$2.40	November 26, 1978
10.	<u>Quebec</u>		
	Employees 18 and over	\$3.65	April 1, 1980
	Employees under 18	\$3.23	April 1, 1980
	Employees working in hotel trade establishments (18 and over)	\$3.00	April 1, 1980
	Employees working in hotel trade establishments (under 18)	\$2.69	April 1, 1980
11.	<u>Saskatchewan</u>		
	General rate	\$3.65	May 1, 1980
12.	<u>Northwest Territories</u>		
	Employees 17 and over	\$3.00	June 7, 1976
	Employees under 17	\$2.55	June 7, 1976
13.	<u>Yukon Territory</u>		
	General rate	\$3.00	April 1, 1976

## II. INDUSTRIAL RELATIONS

### A. Legislation of General Application

#### Ontario

31. In Ontario, the Labour Relations Amendment Act, 1979 which brought changes in the field of grievance arbitration, came into force on September 1, 1979. The Act was described in Legislative Review No. 12, paragraphs 44 to 53.
32. Following an amendment to the General Regulation adopted under the Labour Relations Act, arbitrators are required to file a copy of their decisions with the Minister of Labour within 10 days of issuing an award.
33. A record must be maintained of each award filed with the Minister and upon payment of the prescribed fee, a copy will be supplied to any person applying therefor.

#### Nova Scotia

34. Effective December 28, 1979, Nova Scotia passed an Act to amend Chapter 19 of the Acts of 1972, the Trade Union Act.
35. The Act has amended the certification procedure in the manufacturing sector where the operations of the employer are situated at two or more geographical locations in the province.
36. If, upon an application by an employer, such operations are found to be interdependent by the Labour Relations Board, it determines and orders that the unit appropriate for collective bargaining is the unit consisting of all employees of the employer at all the locations it has determined to be interdependent manufacturing locations subject only to the exclusion of such positions as it may determine would otherwise normally be excluded.
37. "Interdependent manufacturing location" is defined as a manufacturing location of an employer, the continued operation of which is primarily dependent on the continued normal operation of another manufacturing location(s) of the employer in the province.
38. An application for such an order of the Board may not be made by an employer more than one year following the commencement of production at his second manufacturing location claimed to be interdependent with the original manufacturing location or at any additional manufacturing location of an employer who is already affected by an order issued pursuant to these provisions.

39. However, an application for such an order by an employer respecting operations at interdependent manufacturing locations in the province as of December 28, 1979, may not be made more than one year following that date. Also, no application may be made for an order where a certification order has been made or voluntary recognition granted pursuant to the Act with respect to one or more of the interdependent manufacturing locations.
40. Where an application may be made under the provisions described above and where any trade union makes an application for certification, the Board must give to the employer adequate opportunity to make an application pursuant to those provisions before proceeding to determine the appropriate unit.
41. It is specified that the amendments apply to all applications for certification before the Board on December 28, 1979 or made after that date.
42. Bill C-9, an Act to establish the Labour Information Bureau, received first reading in the House of Commons on April 16, 1980.
43. The Bill proposes to establish the Labour Information Bureau having responsibility for assisting the parties to collective bargaining by organizing and disseminating economic and compensation data and other information. The Bureau is to be governed by a Management Board representative of the interests of the employees and of the employers and composed of not more than 16 members. The Deputy Minister of Labour is to be ex officio Chairperson of the Management Board. The Bill also provides for dissolution of the Bureau five years after the coming into force of the Act.



## B. Public Sector

### Civil servants

44. The Miscellaneous Statutes Amendment Act, 1979 received Royal Assent on July 31, 1979 in British Columbia. It amends several statutes including the Public Service Labour Relations Act to provide that a person employed as a member of the staff of the ombudsman is not an employee under the terms of the Act.
45. In Manitoba, An Act to amend The Civil Service Act received Royal Assent on June 15, 1979. The amendment provides that where an employee who is not covered by a collective agreement is an unsuccessful candidate for a position and believes that the appointment of another person was based on matters other than merit, the employee may appeal the appointment to the Commission. A decision of the Commission in such matters is final.

### Firefighters

46. In Manitoba, an Act to amend the Fire Departments Arbitration Act received first reading on March 19, 1980.
47. The amending Bill provides that where there is no collective agreement existing between a municipality and a bargaining agent representing firemen, either party may, by notice, require the other party to commence collective bargaining in accordance with the provisions of the Labour Relations Act.
48. It also provides that certain provisions of the Labour Relations Act will apply to membership of members and chairman of arbitration boards and in respect of the powers and duties of such boards.

### Hospital employees

49. A Regulation adopted in November 1979 under the Ontario Hospital Labour Disputes Arbitration Act, provides that within 10 days after issuing an award, an arbitrator must file a copy of the award with the Minister. The awards must be kept in records in the Ministry, and copies are made available upon payment of the prescribed fee.

C. Emergency Legislation

50. In Quebec, emergency legislation was adopted in three instances to settle labour disputes affecting the public and para-public sectors.
51. Bill 62, An Act respecting proposals to employees in the education, social affairs and civil service sectors, was assented to on November 12, 1979.
52. The purpose of the Act was to require the Government to table in the Assemblée nationale, not later than November 21, 1979 the latest proposals made by the employer to employee associations of the education, social affairs and civil service sectors.
53. It required employee associations to refer the proposals to their members for ratification not later than November 29, 1979. Strikes and lock-outs were prohibited from November 13 to the 29th, and employees were required to carry out the duties of their functions in accordance with their terms and conditions of employment.
54. An Act to ensure the maintaining of electrical services and to provide the conditions of employment of the employees of Hydro-Québec (Bill 88), was assented to December 18, 1979.
55. The object of this emergency legislation was to order resumption of the services normally provided by Hydro-Québec and to establish the conditions of work that will apply to the employees of the agency until December 29, 1982.
56. Strike action had commenced on November 29, 1979; the employees were ordered back to work and the services of Hydro-Québec were to be resumed as of 00 h 01 h on December 19. The collective agreements that were in force before the dispute were extended to cover the period ending on December 29, 1982; these agreements included the amendments adopted by the parties through negotiations and the recommendations made by the mediators appointed by the Minister.
57. The legislation established fines for breach of the provisions of the Act which ordered return to work and resumption of services. Under these provisions, an employee association in breach of the Act was subject to a fine of \$5 000 to \$50 000 for each day or part of a day during which the offence continued; a director, administrator, employee or agent of an employee association was subject to a fine of \$1 000 to \$10 000, and an employee to a fine of \$25 to \$100.

58. Bill 93, an Act to ensure the resumption of certain services of the City of Montréal and the Communauté urbaine de Montréal was assented to on March 24, 1980. This Act was adopted to end a strike that commenced on February 12 involving approximately 5 600 manual workers employed by the City of Montreal and the CUM.
59. The Act ordered return to work and resumption of services as of 00 h 01 h on March 25, 1980. It provided that the dispute be referred to an arbitrator nominated by the parties within a period of 10 days after the coming into force of the Act, or appointed by the Minister in case of failure by the parties to agree on the nomination of the arbitrator.
60. Within 90 days after appointment, the arbitrator was required to make a decision binding on the parties for a period not exceeding December 31, 1981. In making an award the arbitrator had to take into consideration the recommendations made by the mediator in his report submitted to the parties.
61. The Act also provided for fines in case of breach of the provisions ordering return to work and resumption of services; a fine of \$5 000 to \$50 000 was established for contravention by an employee association, union, federation or confederation; a fine of \$1 000 to \$10 000 as established for an officer, director, employee, agent or advisor of an employee association, union, federation or confederation in breach of the Act; employees were subject to a fine of \$25 to \$100 and members of the council, directors, employees or agents of the City of Montreal or the CUM were subject to a fine of \$1 000 to \$10 000.

D. Construction Industry

62. The Alberta Labour Act was amended by Bill 56, which received Royal Assent on November 16, 1979. The provisions of the Act pertaining to collective bargaining related to the construction of oil sands plants in lease areas, have been extended to include heavy crude oil plants.
63. Upon application of a person who wishes to construct a plant in a specific area of the province, the Lieutenant-Governor in Council may, by Regulation, designate that area as one to which the special provisions apply if he is satisfied that it is in the public interest that the construction of a plant proceed in that area.
64. Collective bargaining is conducted by a principal contractor on his own behalf and on behalf of other employers engaged in the construction of a plant or in providing camp or catering facilities in a designated area, and a trade union that represents the employees of such employers. The parties may negotiate any terms and conditions of employment with the exception of wages, health, welfare and pension benefits, vacation and other holiday benefits.
65. A collective agreement entered into between a principal contractor and a trade union will continue to be in force until completion of the construction of the plant in the designated area, or the repeal of the regulation made by the Lieutenant-Governor in Council to designate the area, whichever comes first.
66. The amendment also establishes that the provisions of the Labour Act pertaining to the appointment of a conciliation commissioner, the establishment of a conciliation board and the taking of a strike or lockout vote do not apply to a principal contractor and a trade union who bargain collectively under the new provisions.
67. Amendments to provisions of the Ontario Labour Relations Act pertaining to collective bargaining in the construction industry became effective May 1, 1980.
68. Under the amendments, an employer represented by an employer bargaining agency is deemed to have given province-wide recognition to all affiliated bargaining agents that are represented by an employee bargaining agency in the industrial, commercial and institutional sector of the construction industry.
69. The amendments also provide that an application for certification as bargaining agent for the employees of an employer employed in the industrial, commercial or institutional sector of the construction industry may only be made by a designated or certified bargaining agency on behalf of all the affiliated bargaining agents it represents, and the appropriate unit includes employees who would be bound by a provincial agreement.

70. A trade union that is not represented by a designated or certified employee bargaining agency may however bring an application for certification or enter into a voluntary recognition agreement on its own behalf.
71. New provisions pertaining to strikes and lockouts have been added. Where an employee bargaining agency desires to call or authorize a strike, all affiliated bargaining agents must call or authorize a strike in respect of all the employees they represent. Selective strikes by trade unions are prohibited. Employer bargaining agencies have similar obligations in case of lockouts.
72. Finally, the amending Act provides that where a memorandum of settlement of the terms of a provincial agreement is subject to ratification, the ratification must take place within 30 days of the signing of the memorandum. If ratification or rejection does not take place within the time prescribed, the memorandum of settlement comes into effect as though it had been ratified and it constitutes a provincial agreement.



### III. OCCUPATIONAL SAFETY AND HEALTH

73. During the last 11 months, changes have been made to the occupational safety and health legislation of several jurisdictions. Among these changes, Ontario has brought into force its Occupational Health and Safety Act, 1978 and Quebec has adopted an Act respecting occupational health and safety.
74. In Ontario, the Occupational Health and Safety Act, 1978 described in Legislative Review Number 12 paragraphs 162 to 208 came into force on October 1, 1979.
75. Effective on the same date, three sets of regulations have been issued under the new Act. They govern industrial establishments, construction projects as well as mines and mining plants.
76. On December 21, 1979, Quebec has enacted an Act respecting occupational health and safety.

#### Scope

77. The Act is a law of general application and binds the Government of the province, its departments and the agencies that are its mandataries. The provisions dealing with the scope of the Act came into force on March 13, 1980.

#### Rights and Obligations

78. It sets out the rights and obligations of the workers, employers, owners and suppliers who are subject to its provisions.

#### Right to Refuse Dangerous Work

79. A worker has a right to refuse to perform particular work if he has reasonable grounds to believe that the performance of that work would expose him to danger to his health, safety or physical well-being, or would expose another person to a similar danger.
80. No worker may, however, exercise this right if his refusal to perform the work puts the life, health, safety or physical well-being of another person in immediate danger or if the conditions under which the work is to be performed are ordinary conditions in his kind of work.
81. Until an executory decision is rendered ordering a worker to resume work, the employer may not, subject to certain provisions described below, have the work performed by another worker or by a person who ordinarily works outside the establishment and a worker who is exercising his right of refusal is deemed to be at work.

82. Where a worker refuses to perform particular work, he must immediately inform his supervisor, his employer or an agent of such employer; if none of these persons is present at the work-place, the worker must take reasonable steps to ensure that one of them is informed as soon as possible.
83. On being informed, the supervisor or, as the case may be, the employer or his agent must convoke the safety representative to examine the matter and the corrective measures he intends to apply.
84. If there is no safety representative or if he is not available, the safety representative is replaced by a representative of the worker's certified association, if any, and if he is available, or if none is available, by any other worker designated by the worker who refuses to perform his work.
85. If the worker maintains his refusal to perform the work when his supervisor or, as the case may be, the employer or his agent and the safety representative or the person replacing him are of opinion that no danger exists to justify the worker's refusal to work or that his refusal to work is based on grounds that are acceptable in the particular case of that worker but do not justify another worker's refusing to perform the work, the employer may, notwithstanding what has been said earlier, have the work performed by another worker. That other worker may accept to perform the work after being informed that the right of refusal has been exercised, and of the reasons therefor.
86. After the situation has been examined, the intervention of an inspector may be required by:
  - . the worker, if he maintains his refusal to perform the work;
  - . the safety representative or the person replacing him if he believes that the performance of the work exposes the worker to danger to his health, safety or physical well-being or exposes another person to similar danger; or
  - . the employer or his agent, if he believes that the performance of the work does not expose the worker to danger to his health, safety or physical well-being or does not expose another person to such danger, or that the corrective measures taken have dissipated the danger.
87. The inspector must determine immediately whether or not a danger exists that would justify the worker's refusal to work. He may require the worker to resume his work. He may also prescribe temporary measures and require that corrective measures be taken within such time as he may determine.

88. If, in the inspector's opinion, the refusal to work is based on grounds that are acceptable in the particular case of that worker but do not justify another worker's refusing to perform the work, the employer may, notwithstanding what has been mentioned earlier, have the work performed by another worker, who may agree to perform it after being informed of the fact that the right of refusal has been exercised, and of the reasons therefor.
89. The inspector's decision must be substantiated and recorded in writing. It is transmitted by registered or certified mail to the worker, the safety representative or the person replacing him, and to the employer or his agent.
90. The inspector's decision is executory until it is revised by the regional chief inspector.
91. The worker, the safety representative or the person replacing him, or the employer or his agent, within ten days of the mailing of the inspector's decision, may apply to the regional chief inspector for a review of the decision. The application must be made in writing. If no application is made within the prescribed time, the inspector's decision is final.
92. The regional chief inspector's decision must be substantiated and recorded in writing. It is transmitted by registered or certified mail to the worker, the safety representative or the person replacing him and to the employer or his agent.
93. The regional chief inspector's decision is executory until it is revised by the Commission de la santé et de la sécurité du travail (Occupational Health and Safety Commission). In such a case, the procedure to be followed is the same "mutatis mutandis" as the one described in the preceding two paragraphs.
94. A final decision applies as long as the circumstances remain unchanged.
95. An employer may require a worker who has exercised his right to refuse to work to remain at the workplace and assign him temporarily to other duties that he is reasonably capable of performing.
96. In cases where the exercise of the right to refuse to work prevents at least two other workers from working, the inspector must be present on the premises not later than six hours after his intervention has been required.

97. If the inspector is not present within the prescribed time, the employer may, notwithstanding the provision described in paragraph 81 have the work performed by another worker who agrees to do the work after being informed that the right of refusal has been exercised, and of the reasons therefor.
98. Where several workers refuse to perform particular work by reason of the same danger, their cases are examined jointly and may be the subject of a decision concerning them jointly.
99. Where the exercise of the right of refusal results in depriving of work other workers in the undertaking, these other workers are deemed to be at work for the duration of the work stoppage.
100. The employer may, however, assign the other workers to other duties that they are reasonably capable of performing or require that they remain available at the workplace during the whole period thus remunerated.
101. The employer must allow the safety representative or, as the case may be, the person replacing him, to exercise the functions vested in him by the provisions just described.
102. The safety representative or the person replacing him is deemed to be working when he is exercising the functions thus vested in him.
103. No employer may lay off, dismiss, suspend or transfer a worker or impose a discriminatory or disciplinary measure on him on the ground that the worker exercised the right to refuse dangerous work. However, the employer may, within the ten days following a final decision respecting this right to refuse, dismiss, suspend or transfer the worker or impose a disciplinary measure on him if the worker abused his right.
104. This last provision applies "mutatis mutandis" to a safety representative or to the person replacing him who has exercised a function described earlier.

#### Protective Reassignment

105. A worker who furnishes a medical certificate attesting that his being exposed to a contaminant entails danger to him, in view of the fact that his health shows signs of deterioration, may request to be reassigned to duties that do not entail exposure to a contaminant and that he is reasonably capable of performing, until the condition of his health allows him to resume his former duties and his working conditions conform to the standards established by regulation for that contaminant.
106. If a requested reassignment is not made immediately, the worker may stop working until he is reassigned or his health or working conditions allow him to return to his duties.



107. A worker is entitled, for the first five working days of his work stoppage, to be remunerated at his regular wage rate. Thereafter, he is entitled, for the period of his work stoppage, to the indemnity provided in the Act respecting indemnities for victims of asbestosis and silicosis in mines and quarries.
108. If a worker believes he is not reasonably capable of performing duties to which he is reassigned by the employer, he may request the health and safety committee or, failing such a committee, the safety representative and the employer to examine and decide the question in conjunction with the physician in charge of health services in the establishment, or if there is no physician in charge, the head of the community health department of the territory where the establishment is situated.
109. The worker of the employer may request the Commission de la santé et de la sécurité du travail to review the decision. If there is no safety committee or safety representative, the worker may send his request directly to the Commission. The Commission's decision is final and executory.
110. The worker reassigned to other duties retains all the benefits attached to his employment before his reassignment. At the end of the period of reassignment, the employer must return the worker to his regular employment. Such worker continues to receive the social benefits recognized for his workplace, subject to payment of the exigible assessments, part of which is assumed by the employer.
111. The provision described in the previous paragraph applies, mutatis mutandis, to a worker who has stopped working subject to the section of the Act mentioned in paragraph 107. However, a worker retains these benefits for only one year following the date of the work stoppage, unless his working conditions do not conform to the standards established for the contaminant concerned.

#### Reassignment of a pregnant worker

112. A pregnant worker who furnishes to her employer a medical certificate attesting that her working conditions may be physically dangerous to her unborn child, or to herself by reason of her pregnancy, may request to be reassigned to other duties involving no such danger that she is reasonably capable of performing.
113. If a requested reassignment is not made immediately, the pregnant worker may stop working until she is reassigned or until the date of delivery.
114. The provisions described in paragraphs 107, 108 and 109 apply, mutatis mutandis, to a pregnant worker who exercises this right.



115. Such a worker retains all the benefits attached to her regular employment before her reassignment to other duties or before her work stoppage.
116. At the end of the worker's period of reassignment or work stoppage, the employer must return her to her regular employment and grant her the benefits she would have been entitled to had she remained in her employment. The worker continues to receive the social benefits recognized for her workplace subject to payment of the exigible assessments, part of which is assumed by the employer.
117. A worker who furnishes to her employer a medical certificate attesting that her working conditions involve risks for the child she is breast-feeding may request to be reassigned to other duties involving no such risks that she is reasonably capable of performing.
118. If the requested reassignment is not made immediately, the worker may stop working until she is reassigned or the child is weaned.
119. The provisions of the Act which apply to a pregnant worker also apply to a worker who has exercised the right just mentioned.

#### Prevention Programme

120. Every employer who has an establishment of a category identified for that purpose by regulation must see that a prevention programme for each establishment under his authority is implemented, taking into account the responsibilities of the health and safety committee, if any. The Act prescribes the components that such programme must contain.

#### Health and Safety Committees

121. A health and safety committee may be established in any establishment employing more than 20 workers and belonging to a category identified for that purpose by regulation.
122. A health and safety committee is established upon a written notice sent to the employer by a certified association or, if there is no such association, by at least 10 per cent of the workers or, in the case of an establishment employing fewer than forty workers, by at least four of these, or upon such a notice sent by the employer to a certified association or, if there is no certified association, to the workers as a whole. A copy of the notice must be sent to the Commission de la santé et de la sécurité du travail.
123. The Commission, where it considers it expedient, may require the establishment of a health and safety committee, regardless of the number of workers in the establishment.

124. The number of members of a committee is determined by regulation, taking into account the category to which the establishment belongs.
125. At least one-half of the members of a committee must represent the workers and be designated in accordance with the terms and conditions prescribed by the Act. The other members of the committee must be designated by the employer.
126. A health and safety committee must meet at least once every three months, subject to the regulations.
127. Workers' representatives are deemed to be at work when they are participating in the meetings and work of the committee. However, they must notify their supervisor, or the employer or his agent, when they take time off work to participate in such meetings and work.
128. The functions of a health and safety committee are among others:
  - . to choose, in accordance with the Act, the physician in charge of health services in the establishment;
  - . to approve the health programme prepared by the physician in charge;
  - . to establish, within the prevention programme, training and information programmes in matters of occupational health and safety;
  - . to select the individual protective devices and equipment which, while complying with the regulations, are best adapted to the needs of the workers of the establishment.
129. If a health and safety committee fails to reach an agreement on decisions it must make in accordance with the functions mentioned above, the workers' representatives must present their recommendations in writing to the employers' representatives, who must reply in writing, explaining the points of disagreement.
130. If the dispute continues, it may be submitted by any of the parties to the Commission, whose decision is executory.
131. The employer may not lay off, dismiss, suspend or transfer a worker or impose a discriminatory or disciplinary measure on him on the ground that the worker performed his functions on a health and safety committee.

132. However, the employer may dismiss, suspend or transfer a worker or impose a disciplinary measure on him if he abused his function.

#### Safety Representatives

133. Where a health and safety committee exists in an establishment, one or more persons must be designated from among the workers of the establishment as safety representatives. These persons are members ex officio of the health and safety committee.
134. Irrespective of the number of workers in an establishment that belongs to a category of establishments in which health and safety committees may be established in accordance with the appropriate regulations adopted under the Act, one or more persons must be designated from among the workers of that establishment as safety representatives upon a written notice sent to the employer by a certified association or if there is no such association, by at least ten per cent of the workers. A copy of the notice must be sent to the Commission.
135. The functions of a safety representative are enumerated in the Act; they include the inspection of workplaces, accompanying the inspector on visits of inspection, etc.
136. A safety representative is deemed to be at work when exercising his functions.
137. No employer may lay off, dismiss, suspend or transfer a safety representative or impose a discriminatory or disciplinary measure on him on the ground that the worker performed his functions.
138. However, the employer may dismiss, suspend or transfer a worker or impose a disciplinary measure on him if he abused his functions.

#### Sector-Based Associations

139. One or several employers' associations and one or several union associations belonging to the same sector of activity may make an agreement establishing a joint sector-based association on occupational health and safety. Only one sector-based association may be established for one sector of activity.
140. A sector-based association must be administered by a board of directors composed, in equal numbers, of representatives of the employers' associations and representatives of the union associations.
141. An agreement must contain all the components prescribed by regulation, particularly a procedure for the settlement of disagreements. The agreement comes into force on the approval of the Commission.

142. The object of a sector-based association is to provide training, information, research and counselling services to employers and workers in the sector of activities which it represents.

#### Health Services at the Workplace

143. The public health network has the responsibility of organizing and dispensing health services at the workplace. The Act specifies the functions of the employer, of the health and safety committee, of the community health department, of a hospital centre, of the Ministre des affaires sociales and of the Commission de la santé et de la sécurité du travail in connection with the preparation and implementation of health programmes. It also determines the mode of appointment of the physician in charge of health services in an establishment and the content of the specific health programme of an establishment.

#### Commission de la santé et de la sécurité du travail

144. Effective March 13, 1980, the Act establishes a new agency, the Commission de la santé et de la sécurité du travail (Occupational Health and Safety Commission) which replaces the Commission des accidents du travail du Québec (Workmen's Compensation Board of Quebec) and assumes responsibility for implementing the occupational health and safety plan. The Commission is provided with an executive committee where workers and employers have an equal number of representatives and with the various regulatory powers required for the carrying out of its duties.

#### Inspections

145. Provisions are made for the appointment of inspectors charged with ensuring that the Act is being complied with. The costs of inspections is assumed by the government. These provisions are already in force.

#### Construction Sites

146. Although the Act as a whole applies to the construction sector, special provisions specify the obligations of principal contractors and employers in that sector, provide for the setting-up, composition and functions of job-site committees and the designation of safety representatives, and ensure a more intensive inspection of major construction sites.

#### Recourses

147. Recourse is provided to the worker if he is laid off, dismissed, suspended, transferred or subjected to a discriminatory or disciplinary measure for exercising his rights or functions under the Act.

### Offences

148. In addition, there are penalties applicable in case of contravention of the Act or the regulations issued under it. Proceedings under this legislation are brought before the Labour Court.

### Legislation Replaced

149. The Act replaces the Industrial and Commercial Establishments Act and repeals the Scaffolding Inspection Act, division XXIX (Protection of Workmen) of the Mining Act as well as various provisions of the Environment Quality Act dealing with occupational health.

### Coming into Force

150. The legislation described above will come into force by way of proclamation except for some provisions which are already in effect as indicated in the text.
151. On December 19, 1979, Quebec has also issued a regulation respecting the quality of the working environment under the Environment Quality Act.
152. The regulation contains requirements dealing with the quality of the air in the working environment, ventilation, heating, thermal constraints, lighting, noise and sanitation. The scope of this legislation is wide and includes, among other things, industrial establishments, mines, construction sites and office buildings; the regulation has provisions which define more specifically the field of application and which deal with the cases where the adaptation to the requirements is not realized within the prescribed time limit.
153. Effective October 1, 1979, British Columbia has made numerous amendments to its Industrial Health and Safety Regulations issued under the Workers' Compensation Act.
154. The Regulations now state that no person may carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance, or equipment when that person has reasonable cause to believe that to do so would create an undue hazard to the health or safety of anyone.
155. A worker who refuses to carry out a work process or operate a tool, appliance, or equipment must immediately report the circumstances of the unsafe condition to his supervisor or employer.



156. Such supervisor or employer must investigate the matter at once and ensure that any unsafe condition is remedied without delay; or if in his opinion the report is not valid, he must so inform the person who made the report.
157. When this procedure does not resolve the matter and a worker continues to refuse to carry out a work process, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of:
  - (1) a worker representative of the Industrial Health and Safety Committee; or
  - (2) a worker who is selected by a trade union representing the worker; or
  - (3) when there is no Industrial Health and Safety Committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.
158. When the investigation does not resolve the matter and a worker continues to refuse to carry out a work process or operate a tool, appliance, or equipment both the supervisor, or the employer, and the worker must immediately notify an officer of the Workers' Compensation Board who will investigate the matter without undue delay and issue whatever orders he deems necessary.
159. No worker may be subject to disciplinary action because he has acted in compliance with the regulation or an order made by an officer of the Board.
160. Temporary assignment to alternative work at no loss in pay to the worker until the matter in question is resolved is deemed not to constitute disciplinary action.
161. Among the amendments are significant changes in the provisions dealing with the control of airborne contaminants and noise.
162. Effective September 1, 1979, British Columbia has revised its Industrial First Aid Regulations. The same has applied to Nova Scotia where a revision of the First Aid Regulations has been adopted under the Workers' Compensation Act.
163. In New Brunswick, an Act to amend the Occupational Safety Act came into force on July 12, 1979.
164. The Act now specifies that every employer must each month submit a written report to the Chief Safety Officer of all injuries occurring in each place of employment over which he has charge and control.

165. The Lieutenant-Governor in Council is given power to make regulations respecting the establishment of the Occupational Health and Safety Council of New Brunswick to promote safety standards in the province and to carry out such other functions and duties as he considers necessary.
166. On June 29, 1979, Newfoundland has adopted the Occupational Health and Safety Regulations, 1979 under the Occupational Health and Safety Act.
167. These comprehensive regulations have replaced regulations made under the Workers' Compensation Act.
168. Among other things, the regulations designate the industries in which there must be established occupational health and safety committees or where worker health and safety representatives must be appointed.
169. They state that where action has been taken by a worker to exercise the right to refuse dangerous work under the Act, the employer may not assign any other worker to perform those duties unless the substitute worker has been informed of the prior refusal and the reason(s) for that refusal.
170. Also in Newfoundland, an Act to amend the Occupational Health and Safety Act was assented to on December 14, 1979; it is retroactive to June 26, 1979.
171. Among other things, the Act includes a provision which ensures that health and safety officers do not incur personal liability for their acts or omissions in the performance of their duties; it defines "serious injury" for the purposes of accident reporting and gives the Lieutenant-Governor in Council the power to make regulations providing for the safe use of electricity in the province.
172. On August 24, 1979 the federal government adopted the Canada Occupational Health and Safety Regulations for Uranium and Thorium Mines.
173. The Regulations apply to any uranium or thorium mine licensed to operate as a nuclear facility under the Atomic Energy Control Act and regulations thereunder except as otherwise provided in such Act or regulations.
174. The regulations provide for the general health and safety of employees engaged in uranium or thorium mining and adopt by reference the laws of the provinces of Ontario and Saskatchewan in respect of this matter.
175. Also, the federal jurisdiction has revised and updated the Canada Sanitation Regulations to include sanitary requirements where living, dining, cooking and sleeping facilities are provided by an employer for employees engaged in construction, maintenance or similar work.

#### IV. WORKERS' COMPENSATION

176. During the last 11 months, most provinces have amended their workers' compensation legislation. Among these changes, Saskatchewan has adopted a new act, the Workers' Compensation Act, 1979 which came into force on January 1, 1980 except for some provisions which took effect on October 1, 1979.

##### Coverage

177. In Saskatchewan, it is specified that the Act applies to all industries in the province except those industries excluded by a regulation, order of the Lieutenant-Governor in Council or by a provision of the Act.
178. In Nova Scotia, following an amendment to the legislation, members of the family of an employer who reside with the employer are permitted to be covered by the Act.
179. A special provision permitting commercial fishing operators to be covered by the Act has been expanded so that it applies to all independent contractors who are not employers or workers in the ordinary meaning of those words.

##### Earnings Ceiling

180. The maximum insurable earnings have been increased in most jurisdictions as follows:

<u>Jurisdiction</u>	<u>Annual Maximum Wage Rate</u>	<u>Date of Coming into Force</u>
Alberta	from \$16 550 to \$18 250	01/07/79
British Columbia	from \$19 300 to \$20 400	01/01/80
Manitoba	from \$18 000 to \$19 000	01/01/80
Newfoundland	from \$14 000 to \$16 000	01/01/80
Nova Scotia	from \$12 000 to \$15 000	01/01/80
Ontario	from \$16 200 to \$18 500	01/07/79
Quebec	from \$20 000 to \$21 500	01/01/80
Saskatchewan	from \$20 000 to \$22 000	01/01/80
Federal (Merchant Seamen)	from \$12 000 to \$15 000	01/12/79

Benefits to Dependants

181. In Alberta, effective July 1, 1979, the Workers' Compensation Amendment Act, 1979 brought an increase in the income of dependants.
182. Upon remarriage on or after July 1, 1979, a dependent widow or widower is granted a lump sum of \$6 120 and the pension is discontinued. In this event, eligible dependent children are entitled to receive an allowance of \$105 per month.
183. Amendments to the Act brought an increase in the pension to a dependent spouse. The present situation is as follows:
  - A. If the accident occurred on or after July 1, 1979, the dependent spouse receives the same pension the deceased worker would have received had the accident resulted in permanent total disability to the worker (75% of actual earnings up to a maximum of \$18 250). This provides a maximum pension of \$1 140.63 per month or a minimum pension of \$510 per month.
  - B. If the accident occurred on or between January 1, 1974 and June 30, 1979, the dependent spouse receives a minimum pension of \$510 per month or the addition of 10% to the existing pension whichever is greater.
  - C. If the accident occurred before January 1, 1974, the dependent widow receives a pension of \$510 per month for life or until remarriage plus an allowance of \$105 per month for each eligible dependent child.
184. Manitoba has passed an Act to amend the Workers' Compensation Act which was assented to on June 15, 1979.
185. Effective July 1, 1979, the minimum monthly payment that a widow or invalid widower is entitled to receive has been set at \$400. The allowance for a child under 16 went up from \$77 to \$90 per month and from \$88 to \$100 when he/she is an orphan. The monthly amount paid in respect of a child of 16 years or over continuing his education and still entitled to benefits was increased from \$88 to \$100 and from \$99 to \$110 when he/she is an orphan.
186. The allowance granted to a workman's mother who was wholly dependent upon his earnings, has been raised from \$310 to \$400 per month.

187. The lump sum paid to the surviving spouse as the result of the death of a worker has been increased from \$750 to \$1 050.
188. In Newfoundland, an order issued under the Workers' Compensation Act has raised the maximum funeral expenses from \$600 to \$650 and from \$175 to \$200 for the transportation of the body.
189. Effective February 20, 1980, the monthly pension to a widow or invalid widower has been increased from \$300 to \$330. Also, the allowance in respect of a dependent child under 16 went up from \$60 to \$75 per month.
190. In Nova Scotia, the classification "invalid widower" has been removed from the Workers' Compensation Act and widows and widowers are treated equally. This change has applied to compensable accidents occurring on or after July 1, 1979.
191. Ontario has passed the Workmen's Compensation Amendment Act, 1979 which has increased the maximum funeral expenses and the lump sum payable to a surviving spouse or foster parent from \$800 to \$1 000.
192. Changes have also been made to upgrade dependants' monthly allowances to new levels as follows:

<u>Dependent Widow or Widower</u>	<u>Child under 16 with Parent</u>	<u>Orphan Child under 16</u>	<u>Effective Date</u>
\$372	\$101	\$115	01/07/78
\$410	\$112	\$127	01/07/79

193. In Prince Edward Island, following the adoption of an Act to amend the Workers' Compensation Act, the monthly payment to widows or widowers has been raised from \$250 to \$300 and the monthly allowance for each eligible dependent child from \$50 to \$60. The increases were retroactive to January 1, 1979.
194. Saskatchewan has brought into force its Workers' Compensation Act, 1979.
195. The Act provides for a sum of \$1 000 to help dependants pay funeral expenses.
196. Where a worker dies on or after January 1, 1980, the dependent spouse receives a monthly allowance equal to 75% of the deceased worker's average weekly earnings as defined in the Act subject to a minimum of \$505 per month. That pension is indexed to the cost of living.
197. Any amount received relative to the death under the Canada Pension Plan, must be deducted from compensation entitlement.



198. That compensation is paid for a period of five years or until remarriage, whichever occurs first. However, if the dependent spouse has dependent children of the worker, the compensation payable is extended until the youngest child reaches the age of 16; in case of remarriage, the monthly child compensation is \$90. Also, the payment of benefits may be extended beyond five years where the Workers' Compensation Board believes that an undue hardship would otherwise exist.
199. In addition to any compensation, the Board may provide to the dependent spouse the same counselling and vocational assistance as would be provided to a worker in order to enable the dependent spouse to enter the labour force and become self-sufficient.
200. If the only dependants of the worker are children, they receive \$135 per month per child under the age of 16, or if continuing their education until the end of the school term in which the child reaches age 21. This amount is also paid to invalid children of any age. Orphans under 16 may receive an additional payment as the Board determines.
201. In the federal jurisdiction, benefits for dependants of merchant seamen covered by the Merchant Seamen Compensation Act, have been increased by Order in Council on December 1, 1979.
202. The maximum expenses of burial payable at the death of a seaman, have been upgraded from \$450 to \$650.
203. The monthly pension to a widow or invalid widower who is the sole dependant, has been raised from \$250 to \$325.
204. Dependent widows or invalid widowers with one or more eligible children now receive a minimum pension of \$395 per month.
205. The monthly payment made in respect of dependent children under the age of 18 or under 21 and attending school with the approval of the Merchant Seamen Compensation Board, has been increased to \$70 or to \$90 if the child is an orphan.
206. The lump sum payable to a widow or foster mother, in the case of a seaman's death, went up from \$500 to \$750.
207. In Nova Scotia, Quebec and the Yukon Territory, benefits to dependants were upgraded in relation to the increase in the cost-of-living, effective January 1, 1980. The same applied to British Columbia where there was a raise on July 1, 1979 and on January 1, 1980.

Disability Benefits

208. The minimum compensation for total disability has been increased in many jurisdictions as follows:

<u>Jurisdiction</u>	<u>Permanent Total Disability</u>	<u>Temporary Total Disability</u>
Alberta	\$510 per month (formerly \$463)	weekly equivalent of permanent total*
British Columbia	\$550.39 per month (formerly \$527.91)	\$127.01 per week* (formerly \$121.82)
Newfoundland	\$438.33 per month (formerly \$398.48)	\$101.15 per week* (formerly \$91.95)
Nova Scotia	\$359 per month (formerly \$332)	\$82.50 per week* (no change)
Ontario	\$571 per month (formerly \$519)	\$129 per week* (formerly \$117)
Saskatchewan	\$505 per month* (formerly \$405)	\$505 per month* (formerly \$405)
Yukon Territory	\$84 per week* (formerly \$77)	\$84 per week* (formerly \$77)
Federal (Merchant Seamen)	\$85 per week* (formerly \$75)	\$85 per week* (formerly \$75)

\*Or earnings, if less (in Saskatchewan, this no longer applies after two years of total disability).

209. In Saskatchewan, the Workers' Compensation Act, 1979 provides for an award for a permanent physical impairment ranging from \$500 to \$10 000.
210. Where injury to a worker results in a loss of earnings beyond the day of the injury, the Workers' Compensation Board estimates the effect of the injury on the loss of earning capacity and ensures compensation to the worker in an amount equal to 75% of the estimated loss of earnings subject to the maximum wage rate then in effect.
211. Such compensation is payable as long as the loss of earning capacity continues or until the worker attains the age of 65, whichever occurs first.

212. In the case of a worker who is 63 years of age or over at the commencement of his loss of earnings resulting from an injury, the Board may provide compensation for a period not exceeding two years following the date of the injury.
213. There are annual cost-of-living adjustments in the compensation system.
214. Any compensation payable by the Board to a worker is reduced by the amount that person is entitled to receive relative to the injury under the Canada Pension Plan.
215. Where compensation is paid to a worker for a period exceeding 24 consecutive months, the Board sets aside an amount equal to 10% of the compensation paid. That amount will be used to provide an annuity for the worker at age 65. In certain circumstances, where undue hardship would be created, the income of pensioners of 65 or over will be supplemented.

## DISPOSITION OF BILLS

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, most Bills are referred to a committee to undergo detailed study and possible amendment. Committees can be of three main kinds: standing committees, special or sessional committees, and committees of the whole house.

After third reading and adoption, a Bill then, must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. This date may be indeterminate.

An index of Bills introduced or passed during the current period is attached to this report. The date of disposition of Bills is mentioned unless the information was not available (N/A) at the time the index was prepared.

INDEX OF BILLS

June 1, 1979 - April 30, 1980

Legislature	Bill No.	Title	Disposition
Federal 1979		<u>Government Bills</u> <u>1st Session, 31st Parliament</u>	
	C-2	An Act to amend the Department of Labour Act	1st reading 12/10/79
	C-12	An Act to amend the Corporations and Labour Unions Returns Act	1st reading 19/10/79
	C-25	An Act to promote public safety in the transportation of dangerous goods	2nd reading 27/11/79
1980		<u>Government Bills</u> <u>1st Session, 32nd Parliament</u>	
	C-9	An Act to establish the Labour Information Bureau	1st reading 16/04/80
	C-18	An Act to promote public safety in the transportation of dangerous goods	2nd reading 02/05/80
	C-21	An Act to implement the International Convention for Safe Containers	2nd reading 02/05/80
1979		<u>Private Members' Bills</u> <u>1st Session, 31st Parliament</u>	
	C-208	An Act to amend the Hazardous Products Act (aluminum wiring)	1st reading 24/10/79
	C-211	An Act to amend the Hazardous Products Act	1st reading 24/10/79
	C-213	An Act to amend the Unemployment Insurance Act, 1971	1st reading 24/10/79
	C-226	An Act to amend the Canada Labour Code (health and safety committees)	1st reading 24/10/79



Legislature	Bill No.	Title	Disposition
Federal (continued) 1979		<u>Private Members' Bills</u> <u>1st Session, 31st Parliament</u>	
	C-241	An Act respecting National Heritage Day	1st reading 24/10/79
	C-243	An Act to amend the Public Service Staff Relations Act and the Canada Labour Code to provide for the establishment of sector bargaining	1st reading 24/10/79
	C-264	An Act to provide for collective bargaining rights for employees of the House of Commons	1st reading 24/10/79
	C-272	An Act to amend the Canada Labour Code (refusal to work)	1st reading 24/10/79
	C-274	An Act to amend the Canada Labour Code (safety of employees)	1st reading 24/10/79
	C-286	An Act to amend the Public Service Employment Act	1st reading 24/10/79
	C-293	An Act to amend the Canada Labour Code (Canada Labour Relations Board)	1st reading 24/10/79
	C-296	An Act to amend the Canada Labour Code (provision for increased minimum hourly wage)	1st reading 24/10/79
	C-297	An Act to encourage the growth of the reserve force of the Canadian Forces	1st reading 24/10/79
	C-298	An Act to amend the Canada Labour Code (vacation pay)	1st reading 24/10/79
	C-309	An Act to amend the Citizenship Act (time off without loss of pay)	1st reading 24/10/79

Legislature	Bill No.	Title	Disposition
Federal (continued) 1979		<u>Private Members' Bills</u> <u>1st Session, 31st Parliament</u>	
	C-321	An Act to amend the Canada Labour Code (eleven general holidays with pay)	1st reading 24/10/79
	C-323	An Act to amend the Canada Labour Code (three weeks annual vacation after three years)	1st reading 24/10/79
	C-328	An Act to amend the Canada Labour Code (termination of employment)	1st reading 24/10/79
	C-338	An Act to amend the Unemployment Insurance Act, 1971 (labour dispute)	1st reading 24/10/79
	C-343	An Act to amend the Canada Labour Code (secret ballot)	1st reading 24/10/79
	C-345	An Act respecting the implementation of International Labour Organization Convention 96, concerning fee charging employment agencies	1st reading 24/10/79
	C-352	An Act to amend the Public Service Staff Relations Act	1st reading 24/10/79
	C-357	An Act to proclaim a day in commemoration of Sir John A. Macdonald	1st reading 24/10/79
	C-370	An Act to amend the Canada Labour Code	1st reading 24/10/79
	C-371	An Act to amend the Canada Labour Code (certification of union)	1st reading 24/10/79
	C-382	An Act to amend the Holidays Act	1st reading 24/10/79
	C-388	An Act to amend the Canada Labour Code	1st reading 24/10/79

Legislature	Bill No.	Title	Disposition
Federal (continued) 1979		<u>Private Members' Bills</u> <u>1st Session, 31st Parliament</u>	
	C-390	An Act respecting noise in factories	1st reading 24/10/79
	C-397	An Act respecting a national holiday	1st reading 24/10/79
	C-399	An Act to amend the Canada Code	1st reading 24/10/79
	C-406	An Act to amend the Canada Labour Code (strike or lockout)	1st reading 24/10/79
	C-409	An Act to amend the Canada Labour Code (secret ballot voting on strike votes)	1st reading 24/10/79
	C-412	An Act to amend the Public Service Staff Relations Act and the Canada Labour Code to provide for the establishment of sector bargaining	1st reading 24/10/79
	C-427	An Act respecting a minimum allowance for housewives	1st reading 24/10/79
	C-452	An Act to amend the Canada Labour Code (reserve forces training leave)	1st reading 24/10/79
	C-454	An Act to amend the Public Service Staff Relations Act (strike ballots)	1st reading 24/10/79
	C-457	An Act respecting employment with the Government of Canada not covered by the Public Service Employment Act	1st reading 24/10/79
	C-459	An Act to amend the Canada Labour Code (vacation pay)	1st reading 24/10/79
	C-468	An Act to amend the Canada Labour Code (maternity leave)	1st reading 24/10/79

Legislature	Bill No.	Title	Disposition
Federal (continued) 1979		<u>Private Members' Bills 1st Session, 31st Parliament</u>	
	C-479	An Act respecting collective bargaining by employees of Parliament	1st reading 24/10/79
1979		<u>Senate Bill 1st Session, 31st Parliament</u>	
	S-5	An Act to implement the International Convention for Safe Containers	3rd reading 06/12/79
1980		<u>Senate Bill 2st Session, 32nd Parliament</u>	
	S-4	An Act to amend the Department of Labour Act	1st reading 16/04/80
Alberta 1979		<u>Government Bills 1st Session, 19th Parliament</u>	
	13	The Workers' Compensation Amendment Act, 1979	Royal Assent 29/06/79
	17	The Workers' Health, Safety and Compensation Statutes Amendment Act, 1979	Royal Assent 04/07/79
	44	The Firefighters and Policemen Labour Relations Amendment Act, 1979	Royal Assent 16/11/79
	56	The Alberta Labour Amendment Act, 1979	Royal Assent 16/11/79
	71	The Occupational Health and Safety Amendment Act, 1979	Royal Assent 16/11/79
1980		<u>Government Bill 2nd Session, 19th Parliament</u>	
	7	The Radiation Protection Amendment Act, 1980	2nd reading 02/04/80

Legislature	Bill No.	Title	Disposition
British Columbia 1979		<u>Government Bills 1st Session, 32nd Parliament</u>	
	20	Obsolete Statutes Repeal Act	Royal Assent 31/07/79
	30	Miscellaneous Statutes Amendment Act, 1979	Royal Assent 31/07/79
	36	Repeal of the Obsolete Statutes Repeal Act	Royal Assent 02/08/79
1980		<u>Government Bill 2nd Session, 32nd Parliament</u>	
	8	Holiday Shopping Act	1st reading 10/04/80
Manitoba 1979		<u>Government Bills 3rd Session, 31st Parliament</u>	
	35	An Act to Amend The Workers' Compensation Act	Royal Assent 15/06/79
	39	The Statute Law Amendment Act (1979)	Royal Assent 15/06/79
	48	An Act to amend the Civil Service Act	Royal Assent 15/06/79
1980		<u>Government Bill 4th Session, 31st Parliament</u>	
	8	An Act to amend the Fire Departments Arbitration Act	1st reading 19/03/80
New Brunswick 1979		<u>Government Bills 1st Session, 49th Parliament</u>	
	14	An Act to Amend The Silicosis Compensation Act	Proclaimed 12/07/79
	15	An Act to Amend the Fire Prevention Act	Proclaimed 12/07/79
	26	An Act to Amend The Schools Act	Royal Assent 14/06/79
	34	An Act to Amend The Police Act	Royal Assent 14/06/79



Legislature	Bill No.	Title	Disposition
New Brunswick (continued) 1979		<u>Government Bills</u> <u>1st Session, 49th Parliament</u>	
	38	An Act to Amend The Mining Act	Royal Assent 14/06/79
	48	An Act to Amend the Occupational Safety Act	Proclaimed 12/07/79
	49	An Act to Amend The Workmen's Compensation Act	Proclaimed 12/07/79
Newfoundland 1979		<u>Government Bills</u> <u>1st Session, 38th Parliament</u>	
	6	An Act to Amend The Schools Act	N/A
	10	An Act to Amend The Fishing Industry Advisory Board Act, 1975	N/A
	18	An Act to Amend The Fire Prevention Act	N/A
	21	An Act to Remove Anomalies in Provincial Legislation that may be Construed as Discriminatory	N/A
	25	An Act to Amend The Workers' Compensation Act	Royal Assent 14/12/79
	48	An Act to Amend The Armistice Day Act	N/A
	51	An Act to Change The Name of the Constabulary Force of Newfoundland to the Royal Newfoundland Constabulary	N/A
	52	An Act to Amend The Occupational Health and Safety Act	In Force 26/06/79
	58	An Act to Amend, Revise and Consolidate The Law Relating to the Establishment and Administration of Municipal Government in the Province	N/A

Legislature	Bill No.	Title	Disposition
Newfoundland (continued) 1979		<u>Government Bills 1st Session, 38th Parliament</u>	
	71	An Act to Remove Anomalies and Errors in the Statute Law	N/A
1980		<u>Government Bill 2nd Session, 38th Parliament</u>	
	3	An Act Respecting The Garnishment Against The Remuneration of Public Officials	N/A
Nova Scotia 1979		<u>Government Bills 1st Session, 52nd Parliament</u>	
	98	An Act to Amend Chapter 19 of the Acts of 1972, the Trade Union Act	Royal Assent 28/12/79
	99	An Act to Amend The Public Service Act	Royal Assent 28/12/79
1980		<u>Government Bills 2nd Session, 52nd Parliament</u>	
	11	An Act to Amend The Police Act	2nd reading 31/03/80
	41	An Act Respecting Stationary Engineers	1st reading 09/04/80
1979		<u>Private Member's Bill 1st Session, 52nd Parliament</u>	
	104	An Act to Amend Chapter 81 of the Revised Statutes, 1967, the Education Act	1st reading 03/12/79
Ontario 1979		<u>Government Bills 3rd Session, 31st Parliament</u>	
	204	An Act to amend The Labour Relations Act	Royal Assent 20/12/79
	209	An Act to amend The Workmen's Compensation Act	Royal Assent 20/12/79

Legislature	Bill No.	Title	Disposition
Ontario (continued) 1979		<u>Private Members' Bills</u> <u>3rd Session, 31st Parliament</u>	
	126	An Act to amend The Employment Standards Act, 1974	1st reading 12/06/79
	138	An Act to amend The Education Act, 1974	1st reading 18/06/79
	155	An Act to provide for Uniform Retail Store Closing Hours	1st reading 23/10/79
	167	An Act to declare Remembrance Day as a Holiday for Veterans	1st reading 08/11/79
	186	An Act to amend The Labour Relations Act	1st reading 20/11/79
	196	An Act to amend The Crown Employees Collective Bargaining Act, 1972	1st reading 06/12/79
Prince Edward Island 1979		<u>Government Bills</u> <u>1st Session, 55th Parliament</u>	
	15	An Act to Amend the Workers' Compensation Act	Royal Assent 01/08/79
	23	The Council of Maritime Premiers (Transfer and Lay-off of Employees) Act	Royal Assent 01/08/79
1980		<u>Government Bills</u> <u>2nd Session, 55th Parliament</u>	
	2	Employment Standards Act	1st reading 09/04/80
	19	The Queen Elizabeth Hospital (Amalgamation) Act	Proclaimed 03/04/80
	23	An Act to Amend The Workers' Compensation Act	1st reading 27/02/80
	24	An Act to Amend the Fire Prevention Act	1st reading 27/02/80

Legislature	Bill No.	Title	Disposition
Prince Edward Island (continued) 1980	50	Government Bills <u>2nd Session, 55th Parliament</u>  An Act to Amend the Labour Act	1st reading 01/04/80
Quebec 1978-79	126	Government Bill <u>3rd Session, 31st Parliament</u>  An Act respecting labour standards	Royal Assent 22/06/79
1979-80	17	Government Bills <u>4th Session, 31st Parliament</u>  An Act respecting occupational health and safety	Royal Assent 21/12/79
	61	An Act respecting pressure vessels and other legislation	Royal Assent 21/12/79
	62	An Act respecting proposals to employees in the educa- tion, social affairs and civil service sectors	Royal Assent 12/11/79
	88	An Act to ensure the main- taining of electrical services and to provide the conditions of employment of the employees of Hydro Québec	Royal Assent 18/12/79
	91	An Act to amend the Act respecting labour standards and the Act respecting manpower vocational training and qualification	Royal Assent 10/04/80
	93	An Act to ensure the resump- tion of certain services of the city of Montréal and the Communauté urbaine de Montréal	Royal Assent 24/03/80

Legislature	Bill No.	Title	Disposition
Saskatchewan 1979-80		Government Bills <u>2nd Session, 19th Parliament</u>	
	1	An Act to amend The Attachment of Debts Act	Royal Assent 14/12/79
	6	An Act to amend The Workers' Compensation Act, 1979	3rd reading 17/04/80
	7	An Act to amend The Occupational Health and Safety Act	3rd reading 17/04/80







CA1  
L11  
-L26

Canada



DEPOSITORY LIBRARY MATERIAL

# LEGISLATIVE REVIEW

number 14  
april 30, 1981



Labour  
Canada

Travail  
Canada



# **LEGISLATIVE REVIEW**

number 14  
april 30, 1981

Labour Canada  
Legislative Analysis



Published by Authority of the Honourable Gerald A. Regan,  
Minister of Labour, Government of Canada

(Cette publication est également disponible en français  
sous le titre Revue de la législation.)

Available from: Library & Legislative Analysis,  
Labour Canada,  
Ottawa, Ontario  
K1A 0J2

(997-3920)

Printed in Canada

## FOREWORD

The Legislative Review is an annual report which describes pertinent labour legislation enacted by the federal, provincial and territorial governments.

Issue No. 14 covers the period from May 1, 1980 to April 30, 1981. It sets out enactments in the fields of employment standards, industrial relations, occupational safety and health and workers' compensation.

The Legislative Review regroups and, in certain instances, describes in a more detailed manner the most important labour legislation published in the Index of Labour Legislation which is a monthly report produced by the Legislative Analysis Division.

The present issue is co-authored by Nicole Marchand, Michel Gauvin and Jeffrey Lawrence of the Legislative Analysis Division.

R.W. Crowley,  
Director-General,  
Central Analytical  
Services,  
Labour Canada.

J.P. Whitridge,  
Director,  
Library and Legislative  
Analysis,  
Labour Canada.

© Minister of Supply and Services Canada 1981

Cat. No. L 12-12/14-1981E

ISBN 0-662-11651-8

## LEGISLATIVE REVIEW

May 1, 1980 - April 30, 1981\*

	<u>Page</u>
I. Employment Standards	I
II. Industrial Relations	II
A. Legislation of General Application	II
B. Public and Para public Sectors	14
C. Emergency Legislation	20
D. Construction Industry	21
III. Occupational Safety and Health	22
IV. Workers' Compensation	27
Adoption of Legislation	32
Index of acts and regulations mentioned in this report	33

---

\*Acts and regulations not received in time for the printer's deadline will be included in the next issue.

## Contents

	<u>Paragraphs</u>
I. EMPLOYMENT STANDARDS	1-45
Introduction	1
Alberta	2-16
Employment Records	4-5
Payment of Wages	6
Hours of Work and Overtime Work	7
Minimum Wage	8
Vacations and Vacation Pay	9-10
General Holidays	11
Termination of Employment	12-13
Maternity Benefits	14
Employment of Young Persons	15
Other provisions	16
British Columbia	17-24
Wage Protection	18
Hours of Work and Overtime	19
Annual Vacation	20
Termination of Employment	21
Child Employment	22
Maternity Leave	23
Other provisions	24
Québec	25
Saskatchewan	26
Regulations	27-31
Alberta	28
British Columbia	29
Ontario	30
Québec	31
Minimum Wages	32-45



## Contents

	<u>Paragraphs</u>
II. INDUSTRIAL RELATIONS	46-100
A. Legislation of general application	46-60
Alberta	46-57
Labour Relations Board	47
Certification	48
Collective Bargaining	49
Mediation, Strikes and Lockouts	50-53
Arbitration	54
Unfair Labour Practices	55
Emergencies	56-57
Ontario	58-59
Prince Edward Island	60
B. Public and Para public Sectors	61-94
Civil Servants	61-79
Federal	61-64
Alberta	65-73
Essential Public Services Tribunal	66-67
Dispute Settlement Process	68-71
Services not Designated as Essential	72-73
New Brunswick	74
Nova Scotia	75-79
Teachers	80-91
Manitoba	80-89
Certification of Bargaining Agents	81-82
Collective Bargaining	83
Conciliation and Arbitration	84-86
The Collective Agreement Board	87-88
Procedures before the Board	89
Newfoundland	90-91
Municipal Employees	92-94
Québec	92-94

## Contents

	<u>Paragraphs</u>
C. Emergency Legislation	95-98
Québec	95-98
D. Construction Industry	99-100
Saskatchewan	99-100
III. OCCUPATIONAL SAFETY AND HEALTH	101-138
Introduction	101
New Brunswick	102-104
Saskatchewan	105-113
Quebec	114-117
Alberta	118-120
Ontario	121-122
Newfoundland	123-124
Nova Scotia	125-127
British Columbia	128
Manitoba	129-132
Federal	133-138
IV. WORKERS' COMPENSATION	139-168
Introduction	139
Coverage	140-143
Earnings Ceiling	144
Benefits to Dependants	145-161
Disability Benefits	162-164
Compensable Diseases	165
Workers' Advocates	166-167
Special Financial Assistance	168

## I. EMPLOYMENT STANDARDS

1. Employment standards legislation was amended in Alberta, British Columbia, Québec and Saskatchewan.
2. In Alberta, the Employment Standards Act, proclaimed in force March 1, 1981 replaced the provisions of the Alberta Labour Act concerning labour standards.
3. A Director is appointed to administer the Act.

### Employment Records

4. Employers are required to maintain employment records for each employee. These set out numerous particulars including daily hours of work, wages and overtime pay, date of commencement of employment, wage rate, amount of vacation pay paid, and amounts of deductions.
5. Each employee must be provided with a statement of employment setting out the same matters.

### Payment of Wages

6. Employees must be paid wages earned within 10 days after the end of the pay period. If the employment of an employee is terminated, whether by the employer or the employee, all wages owing must be paid forthwith. The only sums which may be deducted are those which are permitted or required by an act; a regulation or a judicial judgment or those which are authorized by the employee.

### Hours of Work and Overtime Pay

7. Overtime pay at one and one-half times the normal rate must be paid for hours worked in excess of 8 in a day or 44 in a week. The employer and the employee may agree that the employee will take time off instead of receiving overtime pay. Other aspects of hours of work may be established by regulation.

### Minimum Wage

8. The Lieutenant-Governor in Council may establish a minimum wage rate by regulation.

### Vacations and Vacation Pay

9. Employees are entitled to receive an annual vacation of 2 weeks and to be paid their normal salary during the vacation period. The vacation pay is required to be paid at least one day before the vacation begins.

10. If the employment of an employee is terminated, vacation pay must be paid at the rate of 4 per cent of the wages earned during the period since his last vacation.

#### General Holidays

11. The Act provides for eight general holidays, for which employees must be paid. If an employee works on a general holiday, he is entitled to the normal wages as well as a sum equal to 1.5 times the wages normally payable or to the normal wages plus a day's holiday with pay.

#### Termination of Employment

12. Where an employer terminates the employment of an employee, the employer must give notice of the termination of at least 7 days, if the employee had been employed for more than 3 months but less than 2 years or 14 days if the employee had been employed for more than 2 years.
13. The Act provides for several exceptions from this requirement.

#### Maternity Benefits

14. The Act provides for a maternity leave of up to 18 weeks, with an extension of up to 3 additional weeks where required by a medical condition. No employer may terminate the employment of an employee for the sole reason that the employee is pregnant or that the employee is taking or will take maternity leave.

#### Employment of Young Persons

15. The employment during school hours of persons who are required to attend school by virtue of the Schools Act is prohibited.

#### Other Provisions

16. The Act contains various provisions concerning the making of regulations and enforcement. Penalties are established for breaches of the Act.

#### British Columbia

17. In British Columbia, the Employment Standards Act repealed and replaced the former act, also entitled the Employment Standards Act.

#### Wage Protection

18. The Act requires that every employer must pay, at least semi-monthly and not later than 8 days after the end of each pay period, all wages earned by each employee during the pay period. Where an employer terminates the employment of an employee, the

employer must pay all amounts owing forthwith. Only deductions permitted or required by law or authorized by an employee may be made.

#### Hours of Work and Overtime

19. The Director of Employment Standards is authorized to limit the hours of work to 8 hours in a day and 40 hours in a week. Where an employee works in excess of those hours, he is paid at a rate of one and one-half times his normal rate. An employee must be given a one-half hour eating period during each consecutive five working hours.

#### Annual Vacation

20. Employees are entitled to an annual vacation of 2 weeks, or 3 weeks after 5 continuous years of employment. Vacation pay is payable at the rate of 2 per cent of annual earnings for each week of the vacation.

#### Termination of Employment

21. An employee who has been employed for at least six months is entitled to notice of termination of his employment. The length of the notice period is 2 weeks. After 3 consecutive years of employment, one additional week is added to the period for each year of employment. The maximum length of the period is 8 weeks.

#### Child Employment

22. The employment of persons under the age of 15 years is prohibited.

#### Maternity Leave

23. A pregnant employee has the right to maternity leave of up to 18 weeks, plus an additional six weeks where medical conditions require an extended leave. Dismissal or a change of a condition of employment of an employee for the sole reason that the employee is pregnant is prohibited.

#### Other Provisions

24. Farm labour contractors and employment agencies are regulated by the Act. There are several provisions concerning the enforcement and administration of the Act, including the establishment of an Employment Standards Board to which appeals may be made from decisions of the Director.

#### Québec

25. In Québec, the Act respecting labour standards was amended to correct certain provisions concerning annual leave. The amendment also extended to employees who are to be laid off for at least six months the right to prior notice.



Saskatchewan

26. In Saskatchewan, the Labour Standards Act was amended. The amendment affected the provisions dealing with the ten hour day, averaging of work hours and the weekly rest period. Provisions granting paternity leave and adoption leave of up to six weeks duration to employees who have completed 12 months of employment with the same employer were added to the law. Notice of termination of employment must be at least one week if an employee has been employed for at least three months but less than one year, two weeks where employed for at least one year but less than three years, four weeks where employed for at least three years but less than five years, six weeks where employed for at least five years but less than ten years, and eight weeks where employed for at least ten years.
27. Regulations in the area of labour standards were adopted in all jurisdictions particularly concerning minimum wages.
28. In Alberta, the Adolescents and Young Persons Employment Regulation sets out conditions applicable to the employment of young workers. A series of regulations under the Employment Standards Act provides for hours of works and overtime pay for certain specified occupations.
29. In British Columbia, the Employment Standards Act Regulation exempts certain categories of employment from the application of the Act and contains provisions concerning general holidays.
30. In Ontario, a regulation under the Employment Standards Act established a minimum wage and rest period for domestic servants. A second regulation under the same law modified the definition of "domestic" so that domestics who work more than 24 hours per week are not excluded from numerous other minimum standards.
31. In Québec, the Regulation respecting labour standards was adopted under the Labour Standards Act. Among other things, the regulation establishes a standard workweek for domestics, watchmen, and employees working in a forestry operation, in a sawmill, in a remote area, or in the James Bay territory. As provided in the Act respecting labour standards, the regulation provides for four paid holidays, Labour Day, Good Friday, Dollard Day or Victoria Day and Thanksgiving Day. In the case of a commercial establishment within the meaning of the Commercial Establishments Business Hours Act, Easter Monday may be substituted for Good Friday at the option of the employer. An employee who has worked for 20 weeks for the same employer in the previous 12 months has the right to a maternity leave of up to 18 weeks. At the end of the maternity leave, the employer must reinstate the employee in her former position with all the rights to which she would have been entitled

if she had continued to work. If the regular position occupied by the employee no longer exists at the time of her return, the employer shall give the employee all the rights and privileges to which she would have been entitled if she had been at work at the time her position was eliminated.

Minimum Wage

32. In all jurisdictions, the minimum wage was increased at least once in the course of the year.
33. The minimum wage rate under the Canada Labour Code was increased to \$3.25 per hour effective December 1, 1980 and to \$3.50 per hour effective May 1, 1981. The rate applicable to workers under the age of 17 years was increased to \$3.00 per hour effective December 1, 1980 and to \$3.25 per hour effective May 1, 1981.
34. In Alberta, a minimum wage regulation effective May 1, 1981 increased the minimum wage rate for adult workers to \$3.80 per hour. Employees under the age of 18 are entitled to \$3.65 per hour, while employees under 18 who are attending school receive a minimum \$3.30 per hour.
35. In British Columbia, a regulation under the former Employment Standards Act increased the minimum wage rate for adult workers to \$3.40 per hour on July 1, 1980 and to \$3.65 per hour on December 1, 1980. Employees under the age of 18 years were entitled to \$2.85 per hour on July 1, 1980 and to \$3.00 per hour on December 1, 1980. Resident caretakers, and certain domestics, farm workers and horticultural workers receive a special rate which appears in the table below.
36. In Manitoba, the Regulation respecting Minimum Wages and Working Conditions made under the Employment Standards Act increased the minimum wage effective March 1, 1981 to \$3.35 per hour for adult workers, to \$2.90 per hour for employees under the age of 18 and to \$3.15 per hour for employees serving liquor in licensed premises. As of September 1, 1981, all the rates will be increased by an additional twenty cents per hour.
37. In New Brunswick, the minimum wage rate was increased to \$3.05 per hour, effective July 1, 1980.
38. In Newfoundland, a regulation made under the Labour Standards Act increased the minimum wage on July 1, 1980 to \$3.15 per hour and on March 31, 1981 to \$3.45 per hour for employees sixteen years of age and over. Domestics sixteen years of age and over employed in a private home were entitled to \$1.58 per hour on July 1, 1980 and to \$1.73 per hour on March 31, 1981.

39. In Nova Scotia, a minimum wage order made under the Labour Standards Code increased the minimum wage rate for adult workers to \$3.00 per hour and for workers under the age of 18 years to \$2.70 per hour on October 1, 1980. On October 1, 1981, the rate will be increased to \$3.30 per hour for adult workers and to \$3.00 per hour for young workers.
40. In Ontario, the Employment Standards Regulation was amended, effective February 24, 1981, to increase the minimum wage rate applicable to adult workers to \$3.30 per hour as of March 31, 1981 and to \$3.50 per hour as of October 1, 1981. Several other rates are set out in the charts below.
41. In Prince Edward Island, a regulation entitled Minimum Wage Order, 1980 increased the minimum wage rate for adult workers to \$3.00 per hour and for workers under the age of 18 years of age to \$2.50 per hour, effective July 1, 1980. The Minimum Wage Order, 1981, which will come into force on July 1, 1981 will raise the minimum wage for adult workers to \$3.30 per hour and for young workers to \$2.80 per hour.
42. In Québec, the Regulation respecting labour standards, described above, increased the minimum wage to \$3.85 per hour as of April 1, 1981 for adult workers and to \$3.41 per hour for workers under the age of 18 years. On October 1, 1981 the rate will increase to \$4.00 per hour for adult workers and to \$3.54 per hour for young workers.
43. In Saskatchewan, the minimum wage applicable to all employees was increased to \$3.85 per hour effective January 1, 1981. The rate will be increased to \$4.00 per hour on July 1, 1981.
44. In the Northwest Territories, the minimum wage rate for adult workers was increased to \$3.50 per hour and the rate applicable to employees under the age of 17 years was increased to \$2.95 per hour effective May 15, 1980.
45. In the Yukon Territory, the minimum wage rate for adult workers was increased to \$3.35 per hour effective December 1, 1980 and to \$3.60 per hour effective May 1, 1981.

Minimum Wage Rate for  
Experienced Adult Workers, Young Workers and Students

Jurisdiction	Experienced Adult Workers	Effective Date	Young Workers and Students*	Effective Date
Federal	\$3.25 \$3.50	01/12/80 01/05/81	Employees under 17: \$3.00 \$3.25	01/12/80 01/05/81
Alberta	\$3.80	01/05/81	Employees under 18 not attending school: \$3.65  Employees under 18 attending school: \$3.30	01/05/81  01/05/81
British Columbia	\$3.40 \$3.65	01/07/80 01/12/80	Employees 17 and under: \$2.85 \$3.00	01/07/80 01/12/80
Manitoba	\$3.35 \$3.55	01/03/81 01/09/81	Employees under 18: \$2.90 \$3.10	01/03/81 01/09/81
New Brunswick	\$3.05	01/07/80		
Newfoundland <sup>1</sup>	\$3.15 \$3.45	01/07/80 31/03/81		
Nova Scotia	\$3.00 \$3.30	01/10/80 01/10/81	Underage employees 14 to 18: \$2.70 \$3.00	01/10/80 01/10/81
Ontario	\$3.30 \$3.50	31/03/81 01/10/81	Students under 18 employed for not more than 28 hours in a week or during a school holiday: \$2.45 \$2.65	31/03/81 01/10/81
Prince Edward Island	\$3.00 \$3.30	01/07/80 01/07/81	Employees under 18: \$2.50 \$2.80	01/07/80 01/07/81

\*New Brunswick, Newfoundland, Saskatchewan and the Yukon Territory have no special rates for young workers or students.

<sup>1</sup>Sixteen years of age and over.

Jurisdiction	Experienced Adult Workers	Effective Date	Young Workers and Students*	Effective Date
Quebec	\$3.85 \$4.00	01/04/81 01/10/81	Employees under 18: \$3.41 \$3.54	01/04/81 01/10/81
Saskatchewan	\$3.85 \$4.00	01/01/81 01/07/81		
Northwest Territories	\$3.50	15/05/80	Employees under 17: \$2.95	15/05/80
Yukon <sup>1</sup>	\$3.35 \$3.60	01/12/80 01/05/81		

<sup>1</sup>Federal rate plus ten cents.



Minimum Wage Rate for  
Other Categories of Employees

Jurisdiction	Rates & Categories	Effective Date
Alberta	Various categories of salespersons: \$140 a week \$150 a week	01/05/80 01/05/81
British Columbia	Live-in homemakers, domestics, farm workers or horticultural workers paid wages other than on an hourly or piece work basis: \$29.20 a day or part of a day worked  Resident caretakers in apartment buildings of 8 to 60 units: \$204/month plus \$8.16/unit \$219/month plus \$8.76/unit  Buildings of more than 60 units: \$694/month \$744/month	14/03/81  01/07/80 01/12/80  01/07/80 01/12/80
Manitoba	Employees serving alcoholic beverages in licensed establishments: \$3.15 \$3.35	01/03/81 01/09/81
Newfoundland	Domestics employed in a private home (16 and over): \$1.58 \$1.73	01/07/80 31/03/81
Ontario	Employees serving alcoholic beverages in licensed establishments: \$2.80 \$3.00  Construction workers: \$3.55 \$3.75  Domestic employees* (cooks, housekeepers, nannies) who work more than 24 hours a week: \$24 a day \$132 a week \$568 a month, or \$3.00 an hour	31/03/81 01/10/81  31/03/81 01/10/81  01/01/81

\*Does not apply to baby sitters or companions.

Jurisdiction	Rates & Categories	Effective Date
Quebec	Employees in hotels, restaurants, campgrounds, trailer parks or enterprises who sell, deliver or serve meals to be consumed off the premises or who serve liquor:	
	18 and over: \$3.00	01/04/80
	\$3.16	01/04/81
	\$3.28	01/10/81
	Under 18: \$2.69	01/04/80
	\$2.84	01/04/81
	\$2.95	01/10/81
	Domestic workers residing at the employer's residence:	
	\$122 a week	01/04/80
	\$129 a week	01/04/81
	\$134 a week	01/10/81
	Domestics who do not reside at the employer's residence and agricultural workers:	
	18 and over: \$3.65	01/04/80
	\$3.85	01/04/81
	\$4.00	01/10/81
	Under 18: \$3.23	01/04/80
	\$3.65	01/04/81

## II. INDUSTRIAL RELATIONS

### A. Legislation of General Application

#### Alberta

46. In Alberta, the Labour Relations Act came into force by proclamation on March 1, 1981. The Act repeals and replaces Part IV (Industrial Relations) of the Alberta Labour Act.

#### Labour Relations Board

47. A board known as the Labour Relations Board is created. The Board is responsible, among other things, for the certification of bargaining agents to represent employees in collective bargaining. The Board is composed of members designated by the Lieutenant-Governor in Council.

#### Certification

48. A trade union which is able to demonstrate, through membership or written statements, that it has the support of a majority of the employees in a unit appropriate for collective bargaining, may apply for certification, according to the time limits set out in the legislation. When an application for certification is made, the Board decides upon the composition of the appropriate bargaining unit. It then must satisfy itself of the degree of support enjoyed by the trade union among the employees. If a majority of the employees in the unit support the trade union, the Board certifies it.

#### Collective Bargaining

49. Where a trade union has been certified, either it or the employer may give notice to the other to commence collective bargaining. Where an agreement is in existence, either party to the agreement may give notice to bargain within the time limits established by the Act or the agreement. There is an obligation to bargain in good faith.

#### Mediation, Strikes and Lockouts

50. During the period of collective bargaining, the parties may request, or the Minister of Labour may require that a mediator be appointed to inquire into the dispute and encourage the parties to effect a settlement.
51. Before or after the commencement of a strike or lockout, the Minister may establish a disputes inquiry board, whose duty is to inquire into the matters in dispute, endeavour to effect a settlement, and make recommendations. If a strike or lockout is in progress at the time of establishment of a disputes inquiry board, the strike or lockout is permitted to continue.

52. Before a strike may begin, a majority of the employees in the unit must approve the strike by a majority vote. A lockout vote must be held where a number of employers bargain through an employers' organization.
53. In the case of a strike or a lockout, 72 hours' notice must be given to the employer or the union, as the case may be. The Act contains certain provisions which regulate picketing during a strike.

#### Arbitration

54. The Act stipulates that every collective agreement shall contain a provision for the settlement of differences concerning the interpretation or application of the agreement without work stoppage. If the parties fail to include such a provision, the Act provides a procedure for arbitration by an arbitration board.

#### Unfair Labour Practices

55. The Act prohibits certain unfair labour practices, such as the use of coercion or intimidation to encourage or discourage trade union activity or membership. The Board is empowered to investigate unfair labour practices and to issue directives to correct any contraventions. The unfair labour practices sections affect both employers and trade unions.

#### Emergencies

56. The Minister may establish a Public Emergency Tribunal where, in the opinion of the Lieutenant-Governor in Council, an emergency exists. "Emergency" means that damage to health or property is being caused or is likely to be caused because a sewage system, plant or equipment or a water, heating, electrical or gas system, plant or equipment has ceased to operate or is likely to cease to operate or health services have been reduced, have ceased or are likely to be reduced or to cease or unreasonable hardship is being caused or is likely to be caused to persons who are not parties to the dispute.
57. A Public Emergency Tribunal is composed of one or more persons named by the Lieutenant-Governor in Council. When a Tribunal has been constituted, a work stoppage undertaken by either of the parties to the dispute is prohibited. The Tribunal renders a binding arbitral award to settle the dispute.

#### Ontario

58. Bill 73 which amended the Labour Relations Act on June 17, 1980 adopted new provisions applicable to the construction industry. These dealt with the certification of bargaining agents and employee bargaining agencies in the industrial, commercial and institutional sector of the industry. The amendment also permits

certification of a bargaining agent in relation to a bargaining unit of all other sectors of the industry in a region. A bargaining agent may also now be a party to a voluntary recognition agreement.

59. Bill 89 amended the Labour Relations Act effective June 17, 1980 to permit a certified trade union to require the inclusion in a collective agreement of a provision requiring the employer to deduct from the wages of every employee in the bargaining unit an amount equal to the union dues and to remit this amount to the trade union. It also extends the right to vote in a strike vote to employees in the bargaining unit who are not members of the union and permits the employer to require that a vote be held on the employer's final offer.

Prince Edward Island

60. In Prince Edward Island, Bill 50, which came into force on April 18, 1980, amended the Labour Act. Since the adoption of the amendment, registered nurses are not excluded from the application of the Act. It was declared that where a collective agreement contained a "Reopener Clause" permitting the negotiation of a revised scale of wages, the provisions of the Act prohibiting strikes or lockouts while an agreement was in force did not apply, provided that the conditions precedent to a work stoppage had been fulfilled.



## B. Public and Para public Sectors

### Civil Servants

61. The federal government has adopted in January 1981, the Part-time Work Exclusion Approval Order, and the Public Service Part-time Regulations, under the Public Service Employment Act.
62. The Order excludes from the application of the Public Service Employment Act persons who do not work more than 1/3 of the regular hours of work for full-time employees.
63. Under the Regulations, a part-time employee is defined as a person who is not ordinarily required to work more than one-third of the normal scheduled daily or weekly hours of work established for persons doing similar work.
64. The Regulations also provide that where a department requires the services of a part-time worker, the deputy head must recruit and select the persons from Canada Employment Centres or from the Public Service Commission Staffing Offices.
65. In Alberta, Bill 237, An Act to amend the Public Service Employee Relations Act, received first reading on November 20, 1980. The Bill proposes to add new provisions to the Act regarding the settlement of labour disputes in essential services.

### Essential Public Service Tribunal

66. Bill 237 provides for the establishment of the Essential Public Services Tribunal consisting of a chairman and four other members appointed by the Lieutenant Governor in Council; two of the members are appointed on the recommendation of the certified bargaining agent. The chairman must be a judge of the Court of Queen's Bench, and all appointees have a term of office of three years.
67. Under the provisions of the Bill, the Tribunal must, before December 31, 1981, conduct a systematic review of all public service job classifications established by the Board, to determine which positions are to be considered as essential services. The Tribunal must review and revise the list of essential services on a continuing basis, and publish this list in such a manner that any employee is able to ascertain, at least 90 days before the expiration of the collective agreement, whether his/her job is designated as an essential service.

### Dispute settlement process

68. The Bill provides that labour disputes affecting essential service employees must be referred to the Tribunal for settlement. In addition, it provides that in the case of a dispute affecting services not designated as essential, the certified bargaining

agent may also elect to be governed by the Alberta Labour Act, or by the Public Service Employee Relations Act (exclusive of the provisions pertaining to essential service employees).

69. A dispute affecting essential services must be referred to a conciliator appointed by the Tribunal if not resolved 30 days before the expiration of the collective agreement. If no settlement is reached on the date of expiry of the agreement, the conciliator submits his report to the parties and to the Tribunal. Seven days after receiving the report, the parties must inform the Tribunal whether they wish the dispute to be settled by binding arbitration or final offer selection.
70. Each party is then required to submit to the Tribunal its final collective bargaining proposal. In rendering an award, the Tribunal must consider the following elements:
  - the documentation provided by each party to the dispute in support of its final collective bargaining proposal;
  - the needs of the public service for qualified employees;
  - the conditions of employment in similar occupations outside of the public service;
  - the need to maintain appropriate and consistent relationships in the conditions of employment between different grade levels within one occupation, and between different occupations within the public service;
  - the need to establish terms and conditions of employment which are fair and reasonable in respect to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered; and
  - any other factor that appears to the Tribunal to be relevant to the matter in dispute.
71. A decision of the Tribunal must be in writing and is binding on the employer, the bargaining agent and all the employees affected.

Services not Designated as Essential

72. Where a labour dispute affects a part of the public service not considered by the Tribunal as being an essential service, it may be dealt with as though it was an essential service if both parties make a request to this effect to the Tribunal at least 60 days before the expiration of their collective agreement.
73. A dispute in these services may also be governed by the provisions of the Alberta Labour Act or by Parts 5, 6 and 7 of the Public Service Employee Relations Act, where the certified bargaining agent notifies the Board and the Tribunal accordingly at least 90 days before the date of expiry of the agreement.

74. A Regulation made under the Public Service Labour Relations Act was amended in New Brunswick. The amendment provides that any time period prescribed by regulation or provided for in a collective agreement for the presentation of a grievance, the serving or filing of a document or for the doing of any act may be extended by agreement of the parties. It may also be extended by the Chairman or by the Board, upon the application of an employer, an employee or a bargaining agent.
75. An Act to Amend Chapter 3 of the Acts of 1978, the Civil Service Collective Bargaining Act, Bill 87, received Royal Assent on May 26, 1980 in Nova Scotia.
76. The amending Act redefines "employer" as the government of the province represented by the Civil Service Commission. It provides that appointments to the Civil Service Employee Relations Board will be made after consultation with the Nova Scotia Government Employees' Association.
77. Under the provisions of this Act, persons employed in the personnel branch of a Board, Department, Commission or Agency are no longer considered to be employed in a managerial or confidential capacity. The Act also adds certain items to the list of terms and conditions of employment which may be referred to arbitration.
78. In Nova Scotia also, An Act Respecting the Civil Service Commission (Bill 88) received Royal Assent on May 26, 1980. It is a complete revision of the previous Civil Service Act. It provides for a Civil Service Commission having responsibility for the evaluation and classification of positions and for the recruitment, assignment and appointment of persons to the positions.
79. The Commission is to act as bargaining agent on behalf of the government in negotiations with the Nova Scotia Government Employees' Association. The Act also provides that appointments to the Civil Service must be made regardless of race, religion, creed, colour, ethnic or national origin, sex, marital status, age or physical handicap except as authorized by this Act or any other Act.

#### Teachers

80. In Manitoba, the Public Schools Act received Royal Assent on July 29, 1980. Part VIII of the Act deals with the collective bargaining rights of teachers employed by school boards.

#### Certification of Bargaining Agents

81. The Act provides that a local society defined as an association of the Manitoba Teachers' Society, may apply to the Collective Agreement Board (which is established by this Act) to be certified as bargaining agent to represent a group of teachers employed by one

or more school boards. The application may be made at any time if no collective agreement is in force and no bargaining agent has been certified. If a bargaining agent has been certified but no agreement has been concluded, the application may be made 12 months after the date of certification, or before that time with the consent of the Board. Where a collective agreement is in force, the application may be made at any time after completion of the 10th month of the agreement.

82. Upon receiving an application, the Board determines whether the proposed unit is appropriate for collective bargaining. If the bargaining unit includes teachers of 2 or more school boards, the Board will certify the local society as bargaining agent only if the school boards agree to it. The Board will not certify a local society if in its opinion the administration, management or policy of the local society is influenced by the school board. The Act also provides for revocation of certification where the Board finds that a bargaining agent no longer represents a majority of the teachers in the bargaining unit.

#### Collective Bargaining

83. Where certification has been granted, the bargaining agent or the school board may by notice require the other party to commence collective bargaining. The parties must meet and begin negotiations within 14 clear days after the notice has been given, or within such further time as agreed by the parties. Once notice to bargain has been given, a school board may not decrease the rates of pay or alter any term or condition of employment of the teachers until a collective agreement has been concluded or an arbitration award has been made, and 7 days have elapsed after copies of the award have been mailed to the parties.

#### Conciliation and Arbitration Procedures

84. If collective bargaining has not begun within the time prescribed, or collective bargaining has begun but no agreement is reached, either party may apply to the Minister for conciliation. Upon receiving this application, the Minister must appoint a conciliation officer to assist the parties in concluding an agreement. Where the conciliation officer is unsuccessful in helping the parties to reach agreement, either party may request the establishment of a board of arbitration appointed by the Minister. The school board and the local society each nominate a member to the arbitration board, and the chairman is appointed by the two members.
85. Where the Minister has appointed a board of arbitration, he must deliver a statement of the matters that are referred to the board. The Minister may make additions or amendments to the statement either before or after the award is made. The decision of the majority of the members present at a sitting of the board of arbitration is the decision of that board. An arbitral award must



be made within 14 days after the delivery of the statement by the Minister, and it becomes binding on the bargaining agent, the teachers involved in the dispute and the school board.

86. Within 30 days after the board has rendered its award, the parties must prepare and sign a collective agreement embodying all the matters settled in the award.

The Collective Agreement Board

87. Part VIII of the Act which provide collective bargaining rights for teachers also establishes the Collective Agreement Board. The Deputy Minister of Education is the chairman of this Board which also includes two members appointed by the Manitoba Teachers' Society and two members appointed by the Manitoba Association of School Trustees.
88. The Board has jurisdiction over a number of matters including any question as to whether:
- (a) in any case, a collective agreement has been entered into and the terms thereof and the persons who are parties to, or are bound by the collective agreement or on whose behalf the collective agreement was entered into; or
  - (b) a collective agreement is by its terms in full force and effect; or
  - (c) any party to collective bargaining has failed to comply with any of the provisions of Part VIII of the Act; or
  - (d) a group of teachers is a unit appropriate for collective bargaining; or
  - (e) an individual can be properly classified as a teacher as defined in the Act.
89. In Manitoba, a Regulation respecting the procedures of the Collective Agreement Board established under the Public Schools Act, was adopted in January 1981. The Regulation contains provisions regarding the service of documents by the Board, regarding amendments to proceedings and the extension of delays prescribed by Regulation. It also establishes the general rules applicable to all applications to the Board.
90. Bill 8, An Act to amend the Newfoundland Teachers' Association Act, 1974, was introduced in Newfoundland.
91. This Bill proposes to amend the definition of "teacher" in the Act by excluding superintendents and assistant superintendents from the definition. It also proposes to amend the provisions pertaining to the Newfoundland Teachers' Association Disciplinary Committee, and the proceedings before this Committee.



Municipal Employees

92. Bill 112, An Act respecting the Communauté urbaine de Montréal was assented to on June 18, 1980 in Québec and came into force on July 3.
93. Among other things, this Act was dealing with the collective bargaining rights of persons employed by Métropolitain Provincial (1967) Inc., and Autobus Trans Urbain Inc. in case of acquisition of these bus companies by the Commission de transport de la Communauté urbaine de Montréal (CTCUM).
94. To this effect, the Act was providing for the dissolution of the unions representing the employees of both companies, and for the integration of these employees to the employee association acting on behalf of the drivers of the CTCUM. Seniority rights were assured by the Act, and the regular employees were protected against dismissal.

C. Emergency Legislation

95. An Act respecting certain disputes between teachers and school boards (Bill 113), was assented to on October 24, 1980 in Québec.
96. This emergency legislation ordered as of 00:01 hours on October 27, 1980, the resumption of services of teachers employed by the following school boards: Commissions scolaires régionales Carignan and des Vieilles Forges, Commissions scolaires de Sorel, du Cap-de-la-Madeleine, de Grand-Pré, des Chenaux, de Chavigny and de Trois-Rivières.
97. Under the provisions of this Act, the terms and conditions of the agreement reached on May 26, 1980 between the Comité patronal de négociation des commissions pour catholiques and the Centrale de l'enseignement du Québec became effective on October 27, for the school boards, the teachers and the employee associations involved in the dispute. Fifteen days after the coming into force of the Act, and upon application of a school board or employee association, any dispute relating to matters negotiated at the local or regional level had to be submitted to an arbitrator appointed by the Minister of Education for decisions.
98. The Act established penalties for breach of the provisions ordering return to work and resumption of services. It also provided that where the government was of the opinion that less than 70 per cent of the teachers represented by an employee association had resumed the duties of their functions it could order that the obligation for the school board to pay union dues to that employee association cease.

D. Construction Industry

99. An Act to amend The Construction Industry Labour Relations Act, (Bill 108) received Royal Assent on June 3, 1980 in Saskatchewan.
100. This Act provides that where an employers' organization is designated or determined to be the representative for more than one trade division, only the unionized employers in each trade division are entitled to make decisions with respect to negotiating and concluding a collective agreement on behalf of all the unionized employers in each trade division.

### III. OCCUPATIONAL SAFETY AND HEALTH

101. During the last 12 months, changes have been made to the occupational safety and health legislation of most jurisdictions.
102. In New Brunswick, two Acts have been adopted effective September 1, 1980.
103. The Occupational Health and Safety Commission Act has established the New Brunswick Occupational Health and Safety Commission. The Commission includes representation from labour and management and administers both the above mentioned Act and the Occupational Safety Act while reporting to the Minister of Labour and Manpower. Other functions of the Commission are enumerated in the Act.
104. The second Act adopted is an Act to amend the Occupational Safety Act. The amendments it includes specify that the New Brunswick Occupational Health and Safety Commission is responsible to the Minister of Labour and Manpower for the administration of the Occupational Safety Act. They also provide for the extension of the coverage of that Act to places of employment under the scope of the Mining Act.
105. Effective May 17, 1981, Saskatchewan has adopted the Occupational Health and General Regulations under the Occupational Health and Safety Act.
106. The new Regulations prevail over the other regulations in force under the Act. They deal with the duties of employers which include the provision of any information, instruction, training and supervision that is necessary to protect the health and safety of workers. They also describe the functioning and role of occupational health committees including provisions dealing with educational leave for committee members and the supplying of information to the worker representatives on the committee.
107. Where a committee member gives reasonable notice, the employer must permit that member to take educational leave for one or more periods not exceeding 5 working days per year for the purpose of attending occupational health and safety training programs, seminars or courses of instruction.
108. Where a committee member attends a training program conducted by the Department of Labour during normal working hours, the employer may not deduct any pay or other benefits from that worker.
109. The Regulations also state that an inspector must provide to the worker co-chairperson on the committee a copy of any inspection or other report or opinion he has provided to the employer that is relevant to the health and safety of workers.

110. Every employer must ensure that the worker representatives on the committee or, where there is no committee, the workers are kept fully informed of any information in the employer's possession concerning the work environment and the occupational health and safety of workers at that place of employment, including the general results of any environmental or biological monitoring, but no information of a personal medical nature is to be disclosed without the informed consent of the person to whom the information relates.
111. The employer must ensure that any worker who is the subject of biological monitoring is informed of the purposes of the monitoring and of the results, and that detailed findings are, at the worker's request, made available to a physician designated by the worker.
112. In addition to what is mentioned above, requirements are laid down concerning general health, first aid and emergency arrangements, notification of occupational diseases, chemical substances, noise, silica processes and abrasive blasting as well as asbestos.
113. Appendices attached to the Regulations list required first aid supplies, requirements for first aid rooms, the occupational diseases for which notification must be given, carcinogenic substances and other hazardous chemicals controlled by the legislation as well as workplace atmospheric contamination limits for numerous substances.
114. In Québec, many sections of the Act respecting occupational health and safety were promulgated; this Act was described in Legislative Review Number 13 paragraphs 76 to 150.
115. A large number of provisions came into force on January 1, 1981. They deal notably with the right to refuse dangerous work, the right to protective reassignment when working conditions affect a worker's health or a pregnant worker, inspection powers and recourses available to a worker who feels he has been wronged. The Act now replaces the Industrial and Commercial Establishments Act and has repealed occupational health and safety provisions included in Division XXIX of the Mining Act and in the Environment Quality Act.
116. Effective January 28, 1981, a regulation has been issued establishing rules for the internal management of the Commission de la santé et de la sécurité du travail (Occupational Health and Safety Commission) which administers the Act.
117. A regulation under the Act entitled "Regulation respecting the quality of the work environment" has been published in the Gazette officielle du Québec of January 14, 1981. This legislation has replaced a regulation originally published in French in the



Gazette officielle du Québec of December 19, 1979 and coming into effect on that date. The new regulation reproduces without amendment the regulation in question in its French and English versions.

118. Assented to November 16, 1979, the Alberta Occupational Health and Safety Amendment Act, 1979 came into force on April 1, 1981 except for some sections.
119. Among the amendments which have taken effect, are new provisions dealing with the storage, handling and use of substances or materials. Other changes modify the Act as regards the powers of the Director of Occupational Hygiene and the Director of Medical Services as well as the provisions dealing with notice and investigation of accidents.
120. The section of the Act which repeals the Coal Mines Safety Act and the Quarries Regulation Act has not taken effect.
121. In Ontario, the Ministry of Labour has adopted an inventory of agents or combinations of agents that are not new biological or chemical agents or combinations of such agents for the purpose of section 21 of the Occupational Health and Safety Act, 1978. This means that section 21 which regulates the introduction of such new agents in the work place does not apply to the biological or chemical agents or combinations thereof used in one or more work places and included in the inventory.
122. Also in Ontario, effective May 1, 1981, the Elevating Devices Act, 1980 has replaced the Elevators and Lifts Act and the Construction Hoists Act. On the same date, a comprehensive General Regulation has been adopted under the new Act.
123. On April 3, 1981, Newfoundland has proclaimed into force its Radiation Health and Safety Act passed on June 17, 1977.
124. The Radiation Health and Safety Regulations, 1981 have been issued under it. They deal with the registration of radiation equipment and the approval of radiation installations; they also control the selling, supplying and servicing of radiation equipment. The operation of such equipment and installations is regulated and a minimum age of 18 is prescribed for radiation workers other than radiation technicians in training. The new legislation lays down the maximum permissible dose of ionizing radiation for radiation workers and others including special standards and procedures for the protection of a pregnant radiation worker, technician in training or student. Provisions are made regarding the monitoring of the personnel as well as the keeping of records on their exposure to ionizing radiation. The regulations also require the reporting of accidents and set out inspection requirements for radiation equipment and associated apparatus.

125. Effective April 1, 1981, Nova Scotia has issued the Regulations respecting radiation emitting devices under the Health Act.
126. The Regulations have replaced the Regulations respecting ionizing devices made in 1960. They provide for the creation of a Radiation Health Advisory Committee which, among other things, advises the Minister of Health with respect to the revocation, cancellation or modification of any of the conditions under which a registration for an ionizing device has been issued. The new legislation also deals with the inspection of radiation installations and places where radiation emitting equipment is used; it provides for powers to require the correcting of hazardous situations and lays down safety measures to be taken. Appendices attached to the Regulations describe the circumstances where a record must be maintained on employees exposed to radiation and specify the exposure limits for ionizing and non-ionizing radiation.
127. Also in Nova Scotia, the Stationary Engineers Act and new Stationary Engineers Regulations issued under it came into force on September 2, 1980. This legislation replaced the Engine Operators Act and the regulations adopted under it.
128. On August 21, 1980, British Columbia passed the Mines Act. The Act replaces the Mining Regulation Act and the Coal Mine Regulation Act. When it is proclaimed into force, it will provide for safety and health in all mines and mining operations within the province. The standards prescribed under the new Act will be contained in regulations.
129. In Manitoba, a regulation has been made under the Workplace Safety and Health Act to designate workplaces in which workplace safety and health committees must be established.
130. The regulation repeals two previous regulations on the subject and provides a list of 438 workplaces in which a worker-management safety and health committee must be set up.
131. Another regulation has also been adopted under the Workplace Safety and Health Act designating workplaces in which worker safety and health representatives must be designated.
132. The regulation contains a list of 19 workplaces in which the employer must cause a worker not connected with the management of the workplace to be designated as the worker safety and health representative.
133. In the federal jurisdiction, amendments were made to the Canada Occupational Health and Safety Regulations for Uranium and Thorium Mines under the Canada Labour Code.

134. The Regulations now adopt by reference the Ontario Occupational Health and Safety Act, 1978 and the Mines and Mining Plants Regulations issued under it instead of Part IX of the Mining Act which has been repealed except for some sections.
135. Another amendment was also made to ensure that the acts and regulations of Ontario and Saskatchewan, listed in the above mentioned regulations, apply to uranium and thorium mines.
136. The Employment Safety Order for Railways, Aerodromes and Air-Stations under the Canada Labour Code was amended.
137. The amendment to the Order (formerly the Non-Operators Employment Safety Order) provides the protection of Part IV of the Code (Safety of Employees) to railway operating employees.
138. The Federal Government has also enacted the Transportation of Dangerous Goods Act which is under the responsibility of the Minister of Transport. The Act came into force on November 1, 1980 to the extent provided in section 32(1)(a).

#### IV. WORKERS' COMPENSATION

139. During the last 12 months, most jurisdictions have amended their workers' compensation legislation.

##### Coverage

140. Effective January 1, 1981, the New Brunswick compensation scheme under the Workmen's Compensation Act applies to all employers and workmen in or about any industry in the province except for certain exclusions as specified in the legislation.
141. A regulation issued under the Act states, among other things, that an industry is excluded from the scope of the compensation scheme unless it has throughout its operations in the year at least three workmen usually employed at the same time.
142. On October 17, 1980, Newfoundland adopted the Workers' Compensation Fishing Regulations, 1980 under the Workers' Compensation Act.
143. Subject to the other regulations made under the Act, they brought commercial fishermen under the compulsory coverage of Part I of the Act which provides for the compensation of eligible disabled workers in the province. Among other things, the new legislation determines the manner of computing the average earnings of injured commercial fishermen and the methods of assessment of commercial buyers or other commercial recipients of fish or of any person engaged within the province in transmitting payments to commercial fishermen.

##### Earnings Ceiling

144. The maximum insurable earnings have been increased in most jurisdictions as follows:

<u>Jurisdiction</u>	<u>Annual Maximum Wage Rate</u>	<u>Date of Coming into Force</u>
Alberta	from \$18 250 to \$22 000	01/01/81
British Columbia	from \$20 400 to \$22 200	01/01/81
Manitoba	from \$19 000 to \$21 000	01/01/81
New Brunswick	from \$15 000 to \$18 000	01/01/81
Newfoundland	from \$16 000 to \$19 000	01/01/81
Prince Edward Island	from \$12 000 to \$15 000	18/04/80
Quebec	from \$21 500 to \$23 500	01/01/81
Saskatchewan	from \$22 000 to \$24 000	01/01/81
Northwest Territories	from \$16 800 to \$20 400	01/01/81
Yukon Territory	from \$19 000 to \$21 000	01/01/81
Federal (Merchant Seamen)	from \$15 000 to \$17 000	15/04/81

Benefits to Dependants

145. Effective September 1, 1980, New Brunswick has increased the monthly pension paid to a surviving spouse from \$300 to \$360.
146. In Alberta, effective January 1, 1981, the Workers' Compensation Amendment Act, 1980 brought an increase in the income of dependants.
147. The total compensation payable to dependants other than a widow, widower, child or common law spouse, has been raised to a maximum of \$1 375 per month.
148. The sum paid to a dependent widow or widower as a contribution to the additional expense occasioned by the death of a worker has been increased from \$600 to \$1 000. The maximum expenses of the funeral went up from \$600 to \$1 200 and from \$200 to \$400 regarding the transportation of the body.
149. Foster parents receiving compensation in respect of accidents that occurred on or after January 1, 1981 are entitled to an amount of \$615 per month, together with an additional sum of \$126 per month in respect of each child maintained.
150. A dependent spouse eligible to a pension as a result of an accident and who remarries on or after November 27, 1980, receives a lump sum termination payment equivalent to pension payments for 36 months at the rate applicable at the time of remarriage.
151. The amendments to the Act brought an increase in the pension to a dependent spouse. The present situation is as follows:
  - A. If the accident occurred on or after January 1, 1981, the dependent spouse receives the same pension the deceased worker would have received had the accident resulted in permanent total disability to the worker (75 per cent of actual earnings up to a maximum of \$22 000). This provides a maximum pension of \$1 375 per month or a minimum pension of \$615 per month.
  - B. If the accident occurred on or between January 1, 1974 and December 31, 1980, the dependent spouse receives a minimum pension of \$615 per month or the addition of 20 per cent to the existing pension whichever is greater.
  - C. If the accident occurred before January 1, 1974, the dependent widow receives a pension of \$615 per month for life or until remarriage plus an allowance of \$126 per month for each eligible dependent child.
152. An order issued under the Newfoundland Workers' Compensation Act has raised the maximum funeral expenses from \$650 to \$750 plus the necessary extra expenses when the body of the worker has to be transported for a considerable distance for burial.



153. Effective January 20, 1981, the monthly pension to a widow or invalid widower has been increased from \$330 to \$370. Also, the allowance in respect of a dependent child under 16 went up from \$75 to \$85 per month.
154. Effective April 8, 1981, Quebec has issued a regulation under the Workmen's Compensation Act determining the terms and conditions under which the cost of transporting the body of a worker who died as the result of an accident, will be reimbursed. Reimbursable costs include any expenses considered reasonable by the Commission de la santé et de la sécurité du travail (Occupational Health and Safety Commission) up to \$500.
155. In the federal jurisdiction, benefits for dependants of merchant seamen covered by the Merchant Seamen Compensation Act, have been increased by Order in Council on April 15, 1981.
156. The maximum expenses of burial payable at the death of a seaman, have been upgraded from \$650 to \$700.
157. The monthly pension to a widow or invalid widower who is the sole dependant, has been raised from \$325 to \$360.
158. Dependent widows or invalid widowers with one or more eligible children now receive a minimum pension of \$435 per month.
159. The monthly payment made in respect of dependent children under the age of 18 or under 21 and attending school with the approval of the Merchant Seamen Compensation Board, has been increased to \$75.
160. Where the dependants are children only, they receive \$95 monthly if they are under the age of 18 or 21 and attending school with the Board's approval.
161. In Nova Scotia, Quebec and the Yukon Territory, benefits to dependants were upgraded in relation to the increase in the cost-of-living, effective January 1, 1981. The same applied to British Columbia where there was a raise on July 1, 1980 and on January 1, 1981.

Disability Benefits

162. The minimum compensation for total disability has been increased in many jurisdictions as follows:

<u>Jurisdiction</u>	<u>Permanent Total Disability</u>	<u>Temporary Total Disability</u>
Alberta	\$615 per month (formerly \$510)	weekly equivalent of permanent total*
British Columbia	\$610.52 per month (formerly \$576.52)	\$140.88 per week* (formerly \$133.04)
New Brunswick	\$600 per month (formerly \$500)	\$90 per week* (no change)
Newfoundland	\$482.17 per month (formerly \$438.33)	\$111.27 per week* (formerly \$101.15)
Nova Scotia	\$395 per month (formerly \$359)	\$90 per week* (formerly \$82.50)
Northwest Territories	\$561 per month* (formerly \$462)	\$561 per month* (formerly \$462)
Yukon Territory	\$92 per week* (formerly \$84)	\$92 per week* (formerly \$84)
Federal (Merchant Seamen)	\$90 per week* (formerly \$85)	\$90 per week* (formerly \$85)

\*Or earnings, if less.

163. In New Brunswick, where an injured worker returns to employment and thereafter suffers a recurrence of an injury, the compensation payable in respect of that injury is now based on the greater of:

- (1) his average earnings at the time of the commencement of his loss of earnings resulting from the injury when the injury was initially sustained; or
- (2) his average earnings at the time of his loss of earnings resulting from the recurrence of the injury.

164. A new feature has been added to the Alberta Workers' Compensation Act. On and after January 1, 1981, a supplement is paid to those persons receiving compensation for a permanent disability of 50 per cent or greater. Until the worker reaches the age of 65, this supplement increases monthly payments overall to the equivalent of 1980 pension levels.

#### Compensable Diseases

165. In British Columbia, the Workers' Compensation Board has adopted a new schedule of industrial diseases under the Workers' Compensation Act. The schedule has been expanded and includes, among other things, a wide range of cancers as well as other diseases such as fluorosis. The diseases listed in that schedule are deemed to have been due to the nature of employment, as is indicated, unless the contrary is proved.

#### Workers' Advocates

166. In New Brunswick, the legislation now provides for the appointment of one or more persons employed within the Department of Labour and Manpower as a Worker's Advocate, to assist any worker, or any eligible dependant, in respect of any claim being advanced by him or her for compensation.
167. A Worker's Advocate may examine all files, records and other material of the Workmen's Compensation Board that relate to the injury or death in respect of which the claim is made.

#### Special Financial Assistance

168. On March 4, 1981, Quebec has adopted the Regulation respecting financial assistance under the Workmen's Compensation Act. The regulation determines the cases where a financial assistance is granted to a worker and specify the terms and conditions thereof. This financial assistance applies to certain expenses incurred for the rehabilitation of an accident victim and also for the adaptation of his place of residence to his needs.

## ADOPTION OF LEGISLATION

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, most bills are referred to a committee to undergo detailed study and possible amendment. Committees can be of three main kinds: standing committees, special or sessional committees and committees of the whole house.

After third reading and adoption, a Bill then, must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. However, it is often specified that the law, or part of it, will come into force at a later date fixed by a proclamation of the Government.

In most acts, the Governor in Council, or in the provinces the Lieutenant Governor in Council, the Minister responsible or an administrative body are given regulatory powers to deal with their administration. Regulations issued under an act do not require the approval of a Legislature.

Once a law becomes effective, the regulations made under its authority become part of the legislation.

A list of the acts and regulations adopted during the current period and mentioned in the report is attached.

Acts and Regulations Mentioned in This Report

Jurisdiction	Number Bill/Reg.	Title	Disposition
Federal	C-18	Transportation of Dangerous Goods Act	Royal Assent 17/07/80
		Proclamation of the Transportation of Dangerous Goods Act	Gazetted 29/11/80
	SOR/80-409	Canada Occupational Health and Safety Regulations for Uranium and Thorium Mines, amendment under the Canada Labour Code	Gazetted 11/06/80
	SOR/80-581	Canada Occupational Health and Safety Regulations for Uranium and Thorium Mines, amendment under the Canada Labour Code	Gazetted 13/08/80
	SOR/80-615	Employment Safety Order for Railways, Aerodromes and Air-Stations, amendment under the Canada Labour Code	Gazetted 13/08/80
	SOR/80-659	Minimum Hourly Wage Order, 1980 under the Canada Labour Code	Gazetted 10/09/80
	SOR/80-687	Canada Labour Standards Regulations, amendment (Minimum wage for workers under 17) under the Canada Labour Code	Gazetted 10/09/80
	SOR/81-33	Part-time Work Exclusion Approval Order, and Public Service Part-time Regulations Under the Public Service Employment Act	Gazetted 14/01/81
	SOR/81-284	Canada Labour Standards Regulations, amendment under the Canada Labour Code	Gazetted 03/04/81
Alberta	SOR/81-315	Merchant Seamen Compensation Order under the Merchant Seamen Compensation Act	Gazetted 22/04/81
	79	Labour Relations Act	Royal Assent 27/11/80
	80	Employment Standards Act	Royal Assent 27/11/80
	93	Workers' Compensation Amendment Act, 1980	Royal Assent 27/11/80
	237	An Act to amend the Public Service Employee Relations Act	1st reading 20/11/80



Jurisdiction	Number Bill/Reg.	Title	Disposition
Alberta (continued)		Proclamation of certain sections of the Occupational Health and Safety Amendment Act, 1979	Gazetted 15/04/81
	72/81	Minimum Wage Regulation under the Employment Standards Act	Gazetted 14/03/81
	82/81	Adolescents and Young Persons Employment Regulation under the Employment Standards Act	Gazetted 14/03/81
British Columbia	36	Employment Standards Act	Royal Assent 22/08/80
	39	Mines Act	Royal Assent 21/08/80
	226/80	General Minimum Wage Regulation under the Employment Standards Act	Gazetted 24/06/80
	292/80	Order of the Workers' Compensation Board under the Workers' Compensation Act	Gazetted 19/08/80
	37/81	Employment Standards Act Regulation	Gazetted 10/02/81
Manitoba	31	The Public School Act	Royal Assent 29/07/80
	235/80	Regulation under the Workplace Safety and Health Act designating workplaces in which workplace safety and health committees shall be established	Gazetted 20/12/80
	236/80	Regulation under the Workplace Safety and Health Act designating workplaces in which worker safety and health representatives shall be designated	Gazetted 20/12/80
	8/81	Regulations under the Public Schools Act	Gazetted 24/01/81
	26/81	Employment Standards Act Regulation	Gazetted 31/01/81
New Brunswick	53	Occupational Health and Safety Commission Act	Royal Assent 16/07/80
	58	An Act to amend the Workmen's Compensation Act	Royal Assent 16/07/80

Jurisdiction	Number Bill/Reg.	Title	Disposition
New Brunswick (continued)	59	An Act to amend the Occupational Safety Act	Royal Assent 16/07/80
		Minimum Wage Order, 1980 under the Minimum Wage Act	Effective 01/07/80
	80-83	Regulation under the Public Service Labour Relations Act	Gazetted 13/08/80
	80-200	Regulation under the Workmen's Compensation Act	Gazetted 21/01/81
Newfoundland	8	An Act to amend the Newfoundland Teachers' Association Act, 1974	N.A.
	46	An Act to amend the Workers' Compensation Act	Royal Assent 28/05/80
	97/80	Labour Standards Regulation, 1980 under the Labour Standards Act	Gazetted 26/05/80
	277/80	Workers' Compensation Fishing Regulations, 1980 under the Workers' Compensation Act	Gazetted 17/10/80
	327/80	Workers' Compensation Orders, 1980 (No. 2) under the Workers' Compensation Act	Gazetted 05/12/80
	35/81	Proclamation of the Radiation Health and Safety Act	Gazetted 03/04/81
	36/81	Radiation Health and Safety Regulations, 1981 under the Radiation Health and Safety Act	Gazetted 03/04/81
Nova Scotia	87	An Act to amend Chapter 3 of the Acts of 1978, the Civil Service Collective Bargaining Act	Royal Assent 26/05/80
	88	An Act Respecting the Civil Service Commission	Royal Assent 26/05/80
	54/80	Minimum Wage Order under the Labour Standards Code	Gazetted 17/03/80
	131/80	Stationary Engineers Regulations under the Stationary Engineers Act	Gazetted 04/09/80
	136/80	Proclamation of the Stationary Engineers Act	Gazetted 04/09/80
	14/81	Regulations respecting radiation emitting devices under the Health Act	Gazetted 12/03/81

Jurisdiction	Number Bill/Reg.	Title	Disposition
Ontario	73	An Act to amend the Labour Relations Act	Royal Assent 17/06/80
	89	An Act to amend the Labour Relations Act	Royal Assent 17/06/80
		Proclamation of the Elevating Devices Act, 1980	Gazetted 25/04/81
	1013/80	Regulation respecting domestics and nannies under the Employment Standards Act	Gazetted 20/12/80
	1014/80	Employment Standards Regulation - Amendment under the Employment Standards Act	Gazetted 20/12/80
	1083/80	Order made under the Occupational Health and Safety Act, 1978 concerning an inventory of agents or combinations of agents for the purpose of section 21 of the Act	Gazetted 03/01/81
	93/81	Employment Standards Regulation - Amendment under the Employment Standards Act	Gazetted 14/03/81
	229/81	General Regulation under the Elevating Devices Act, 1980	Gazetted 25/04/81
Prince Edward Island	23	An Act to amend the Workers' Compensation Act	Royal Assent 18/04/80
	50	An Act to amend the Labour Act	Royal Assent 18/04/80
	E/C 53/80	Minimum Wage Order 1/80 under the Labour Act	Gazetted 26/01/80
	E/C 25/81	Minimum Wage Order 1/81 under the Labour Act	Gazetted 17/01/81
Québec	91	An Act to amend the Labour Standards Act	Royal Assent 10/04/80
	112	An Act respecting the Communauté urbaine de Montréal	Royal Assent 18/06/80
	113	An Act respecting certain disputes between teachers and school boards	Royal Assent 24/10/80
		Proclamation of certain sections of the Act respecting occupational health and safety	Gazetted 14/01/81

Jurisdiction	Number Bill/Reg.	Title	Disposition
Québec (continued)	O.C.3845-80	Regulation respecting the quality of the work environment under the Act respecting occupational health and safety	Gazetted 14/01/81
	O.C.47-81	Regulation establishing rules for the internal management of the Commission de la santé et de la sécurité du travail under the Act respecting occupational health and safety	Gazetted 28/01/81
	O.C.330-81	Regulation respecting financial assistance under the Workmen's Compensation Act	Gazetted 04/03/81
	O.C.873-81	Regulation respecting labour standards under an Act respecting labour standards	Gazetted 25/03/81
	O.C.877-81	Regulation respecting the transportation of the body of a worker under the Workmen's Compensation Act	Gazetted 08/04/81
Saskatchewan	92	An Act to amend the Labour Standards Act	Royal Assent 17/06/80
	108	An Act to amend the Construction Industry Labour Relations Act	Royal Assent 03/06/80
	201/80	Minimum Wage Board Order No. 1 (1981) under the Labour Standards Act	Gazetted 05/09/80
	R.R. Sask. c.O-1 Reg 1	The Occupational Health and General Regulations under the Occupational Health and Safety Act	Gazetted 24/04/81
Northwest Territories	8	An ordinance to amend the Labour Standards Ordinance	Assented to 14/03/80
		An Ordinance to amend the Workers' Compensation Ordinance (O.N.W.T. 1980 (2nd Session) c.19)	Assented to 07/11/80









CAI  
L11  
- L26



Labour  
Canada

Travail  
Canada

# LEGISLATIVE REVIEW

number 15  
May 31, 1982

Canada







# **LEGISLATIVE REVIEW**

**number 15**  
**May 31, 1982**

Labour Canada  
Economics and Industrial Relations  
Research Branch



Published by Authority of the Honourable Charles L. Caccia  
Minister of Labour, Government of Canada

(Cette publication est également disponible en français  
sous le titre Revue de la législation.)

Available from: Publications Distribution Centre,  
Labour Canada,  
Ottawa, Ontario  
K1A 0J2

(819) 994-0543

Printed in Canada

## FOREWORD

The Legislative Review is an annual report which describes pertinent labour legislation enacted by the federal, provincial and territorial governments.

Issue No. 15 covers the period from May 1, 1981 to May 31, 1982. It sets out enactments in the fields of employment standards, industrial relations, occupational safety and health and workers' compensation.

The Legislative Review regroups and, in certain instances, describes in a more detailed manner the most important labour legislation published in the Index of Labour Legislation which is a monthly report produced by the Legislative Analysis and Research Division.

The present issue is co-authored by Michel Gauvin and Jeffrey Lawrence with assistance from Geoffrey Brennan; these persons are members of the Legislative Analysis and Research Division.

M. Mueller,  
Director,  
Economics and Industrial  
Relations Research Branch.

M. Gauvin,  
A/Chief,  
Legislative Analysis and  
Research Division.



## LEGISLATIVE REVIEW

May 1, 1981 - May 31, 1982\*

	<u>Page</u>
I. Employment Standards	1
II. Industrial Relations	10
A. Legislation of General Application	10
B. Public and Para public Sectors	10
C. Emergency Legislation	12
D. Construction Industry	13
III. Occupational Safety and Health	15
IV. Workers' Compensation	21
Adoption of Legislation	29
Index of acts and regulations mentioned in this report	30

---

\*Acts and regulations not received in time for the printer's deadline will be included in the next issue.

## Contents

	<u>Paragraphs</u>
I. EMPLOYMENT STANDARDS	1-24
Introduction	1
Termination of Employment and Lay-offs	2-8
Ontario	2
Federal	3-8
Maternity Leave	9
Prince Edward Island	9
Greater Benefits in a Binding Agreement	10
Alberta	10
Age for Retirement	11-12
Quebec	11
Ontario	12
Minimum Wages and Protection of Wages	13-24
British Columbia	13
Manitoba	14-18
New Brunswick	19-22
Ontario	23
Saskatchewan	24
II. INDUSTRIAL RELATIONS	25-48
A. Legislation of General Application	25-26
Alberta	25
Saskatchewan	26
B. Public and Para public Sectors	27-39
Civil Servants	27-37
Federal	27-30
British Columbia	31-32
New Brunswick	33
Prince Edward Island	34
Quebec	35-37



## Contents

	<u>Paragraphs</u>
Teachers	38
Saskatchewan	38
Police	39
Newfoundland	39
C. Emergency Legislation	40-47
Alberta	40
New Brunswick	41-42
Newfoundland	43
Ontario	44
Quebec	45-46
Saskatchewan	47
D. Construction	48
Quebec	48
III. OCCUPATIONAL SAFETY AND HEALTH	49-81
Introduction	49
New Brunswick	50-63
Prince Edward Island	64
Nova Scotia	65
Alberta	66-76
Ontario	77
British Columbia	78
Quebec	79
Newfoundland	80
Federal	81
IV. WORKERS' COMPENSATION	82-133
Introduction	82
Coverage	83-86
Earnings Ceiling	87
Benefits to Dependants	88-115
Disability Benefits	116-130
Benefits Received under the Canada Pension Plan	131
Compensable Diseases	132
Compensation of Penitentiary Inmates	133



## I. EMPLOYMENT STANDARDS

1. There have been few major changes in employment standards legislation during the last 13 months. Prince Edward Island has introduced legislation pertaining to maternity leave. New Brunswick has adopted regulations assuring better protection of wages for employees. Many jurisdictions have dealt with establishing higher minimum wages for various categories of employees. The matter of the mandatory age for retirement retained some attention in Quebec, where it was abolished, and in Ontario, where a private member's Bill was introduced and hasn't gone further than 1st Reading.

### Termination of Employment and Lay-offs

2. In Ontario, the Employment Standards Act has been amended to provide for the payment of severance pay in cases of termination of employment of at least 50 employees in a period of six months or less. Severance pay is payable to employees with at least five years' service. The amount payable is equal to one week's regular salary for each year of employment to a maximum of 26 years. There are also provisions concerning the obligation of employers to continue payments to benefit plans during such a period of notice of termination of employment.
3. The federal government has adopted the Labour Adjustment Benefits Act (Bill C-78). The Act is intended to provide for the payment of benefits to laid off employees who were employed in certain designated industries. The Governor in Council is authorized to designate an industry either generally or with respect to any region of Canada. In the case of a general designation, he may do so where he is satisfied that the industry is undergoing significant economic adjustment of a non-cyclical nature by reason of import competition or by reason of industrial restructuring implemented pursuant to a policy or program of the Government of Canada to encourage such restructuring and the economic adjustment is resulting in a significant loss of employment in the industry in Canada generally.
4. An industry may be designated with respect to any region where the Governor in Council is satisfied that the industry in that region is undergoing significant economic adjustment of a non-cyclical nature and the economic adjustment is resulting in a severe economic disruption in that region and in significant loss of employment in the industry in that region.
5. A Labour Adjustment Review Board is created to certify the eligibility of employees to apply for benefits. An employee who has been so certified may apply to the Canada Employment and Immigration Commission for benefits.

6. To qualify for the benefits these basic requirements must be met:
  - be a Canadian citizen residing in Canada or a permanent resident of Canada;
  - have been employed in the designated industry for at least 10 of the 15 years preceding the layoff;
  - be no less than 54 years of age or, in certain circumstances, 50 years of age;
  - have claimed and exhausted all unemployment insurance benefits;
  - have no present prospect of employment or have accepted employment with earnings less than the previous weekly earnings in the industry.
7. The provisions of the Canada Labour Code respecting notice of termination and severance pay will be amended to provide for a notice period of 16 weeks for a group termination of 50 employees or more within any period of four weeks; to provide for the establishment of a joint planning committee (except where a collective agreement already contains certain pertinent provisions) whose mandate is to develop an adjustment program to eliminate the necessity for termination of employment or to minimize the impact of such termination on the redundant employees and to assist them in obtaining other employment; to provide for arbitration, on unanimous application of every representative of the redundant employees to the committee, or of every representative of the employer, to assist the committee in the development of an adjustment program and to resolve any dispute concerning the program as well as to provide for severance pay of two days' regular wages in respect of each completed year of continuous employment for employees who have been employed for 12 consecutive months.
8. The Act has been proclaimed into force May 1, 1982, excepting the dispositions amending the Canada Labour Code.

#### Maternity Leave

9. On May 7, 1982, Prince Edward Island gave Royal Assent to a Bill to amend the Labour Act in order to provide for maternity leave. The duration of the leave is 17 weeks, 11 weeks preceding the estimated date of birth and six weeks following the actual date of birth. Employees are protected from dismissal, lay-off or suspension by reason of their pregnancy or the fact that they have applied for maternity leave. The Bill also provides for adoption leave for up to six weeks. Prince Edward Island is the last province to introduce legislation pertaining to maternity leaves.

### Greater Benefits in a Binding Agreement

10. Alberta has passed the Employment Standards Amendment Act, 1981 (No. 2) to provide for, aside from administrative matters, binding agreements between employers and employees which stipulate greater vacation benefits, greater vacation pay entitlement, greater rates of pay for working on a holiday, greater compensation for a general holiday occurring during an annual vacation, than those to which employees are entitled under the Act.

### Age for Retirement

11. The Quebec Assembly has studied in 1st Reading, abandoned, reintroduced and adopted an Act respecting the abolition of the compulsory retirement. The legislation enacts a new labour standard forbidding an employer or his agent to dismiss, suspend or retire an employee on the sole ground that he has reached or passed the age or number of years of service at which he would normally retire. The new provisions would apply to all employees and employers including the Government of Quebec. The Act grants a right of appeal to a labour commissioner to any employee who believes his employer has not respected his right under the new retirement standard. The Act does not apply to persons who, on the date of sanction, are retired or who have received notice of termination of employment or of non-rehiring owing to age or years of service. The Act contains certain provisions relative to superannuation plans.
12. A private member's Bill was introduced in Ontario dealing with raising the mandatory age for retirement to 70 years of age, but has not gone further than the 1st Reading.

### Minimum Wages - Protection of Wages

13. In British Columbia, the rates of minimum wage payable to agricultural workers employed in the harvesting by hand of certain vegetables and fruits were increased. Changes were made to the exclusions from the application of the Employment Standards Act and/or Regulation.
14. Manitoba has adopted, in May 1981, the Regulation under the Construction Industry Wages Act which applies to construction workers who work outside the region of Winnipeg and not on major building construction projects. It establishes minimum wage rates and maximum hours of work for various categories of employees according to the region where they are employed. This regulation was repealed and replaced in June 1982. The minimum wage rates applicable to these employees have been raised. However, the standard hours of work remain the same.
15. A second Regulation was adopted, in May 1981, in Manitoba which applies to construction workers in the heavy construction industry



anywhere in the province. It establishes minimum wage rates and minimum hours of work for these employees.

16. The latter Regulation is affected by the terms of a third Regulation, adopted in March 1982, to increase the minimum wage rates for certain trades in the heavy construction industry. Weekly standard hours of work remained at 50 hours (48 in Winnipeg).
17. The Regulation under the Employment Standards Act to Amend Revised Regulation E110-R1 provides that as of July 1st, 1982, the minimum wage rate applicable to employees 18 years of age and over is increased from \$3.55 to \$4.00 per hour, and to employees under 18 years of age, from \$3.10 to \$3.55 per hour, for work done during standard hours of work in Manitoba.
18. A Regulation under the Payment of Wages Act in Manitoba provides for the administration of a fund to compensate employees for unpaid wages owing to them. The amount which may be paid to any one employee from the fund in a calendar year is limited to \$1 200.
19. The Wage-Earners Protection Act was amended in New Brunswick to provide that wages or salary is to include all money to which a person is entitled under the Minimum Wage Act or the Minimum Employment Standards Act. The Act now provides for the payment of three months wages or salary in priority to the claims of ordinary or general creditors in various circumstances.
20. New Brunswick also amended the Minimum Wage Act. Before the amendment, a judge had the option to order or not to order an employer who had contravened the Minimum Wage Act to pay any money owed to an employee. Such an order is now compulsory. The amendment also provides that an employee shall not be deemed to have been paid for services rendered if a cheque which has been received for salary or wages is not honoured by the bank on which it is drawn.
21. An amendment to the Vacation Pay Act was also passed in New Brunswick. It provides that an employee is deemed not to have been paid the wages earned if the cheque that he receives in payment is refused by the bank because of insufficient funds in the account on which it is drawn. This Act entitles every employee to a vacation pay equal to 4 per cent of his annual earnings.
22. Also in New Brunswick, the Minimum Employment Standards Act was amended to change the definitions of "employee" and "employer" so that employees who do not work at a specific workplace (i.e. travelling or transient employees) are protected by the Act. The amendment also provides for a compulsory order requiring the payment of any money owed to an employee. As a result, an employee shall not be deemed to have been paid for services rendered if a pay cheque is not honoured by the bank on which it is drawn.

23. Ontario has amended the Fruit, Vegetable and Tobacco Harvesters Regulation under the Employment Standards Act to provide for an increase in the minimum wage payable to these workers to \$3.30 per hour, effective June 1, 1981 and to \$3.50 per hour, effective April 1, 1982. Employees under the age of 18 are entitled to \$2.45 per hour, effective June 1, 1981 and to \$2.65 per hour, effective April 1, 1982.
24. Saskatchewan has increased the hourly minimum wage to \$4.25 by a regulation taking effect January 1, 1982. The same regulation provides that the minimum call-in pay is of at least \$12.75, whether or not the employee is required to work for three hours, effective January 1, 1982.

Minimum Wage Rates for  
Experienced Adult Workers, Young Workers and Students

Jurisdiction	Experienced Adult Workers	Effective Date	Young Workers and Students*	Effective Date
Federal	\$3.50	01/05/81	Employees under 17: \$3.25	01/05/81
Alberta	\$3.80	01/05/81	Employees under 18 not attending school: \$3.65	01/05/81
			Employees under 18 attending school: \$3.30	01/05/81
British Columbia	\$3.65	01/12/80	Employees 17 and under: \$3.00	01/12/80
Manitoba	\$3.55 \$4.00	01/09/81 01/07/82	Employees under 18: \$3.10 \$3.55	01/09/81 01/07/82
New Brunswick	\$3.35	01/10/81		
Newfoundland <sup>1</sup>	\$3.45	31/03/81		
Nova Scotia	\$3.30 \$3.75	01/10/81 01/10/82	Underage employees 14 to 18: \$3.00	01/10/81
Ontario	\$3.50	01/10/81	Students under 18 employed for not more than 28 hours in a week or during a school holiday: \$2.65	01/10/81
Prince Edward Island	\$3.30	01/07/81	Employees under 18: \$2.80	01/07/81
Quebec	\$4.00	01/10/81	Employees under 18: \$3.54	01/10/81

\*New Brunswick, Newfoundland, Saskatchewan and the Yukon Territory have no special rates for young workers or students.

<sup>1</sup>Sixteen years of age and over.

Jurisdiction	Experienced Adult Workers	Effective Date	Young Workers and Students*	Effective Date
Saskatchewan	\$4.25	01/01/82		
Northwest Territories	\$3.50	15/05/80	Employees under 17: \$2.95	15/05/80
Yukon <sup>1</sup>	\$3.60	01/05/81		

<sup>1</sup>Federal rate plus ten cents.

Minimum Wage Rates for  
Other Categories of Employees

Jurisdiction	Rates & Categories	Effective Date
Alberta	Various categories of salespersons: \$150 a week	01/05/81
British Columbia	Live-in homemakers, domestics, farm workers or horticultural workers paid wages other than on an hourly or piece work basis: \$29.20 a day or part of a day worked	14/03/81
	Resident caretakers in apartment buildings of 8 to 60 units: \$219/month plus \$8.76/unit	01/12/80
	Buildings of more than 60 units: \$744/month	01/12/80
Manitoba	Employees serving alcoholic beverages in licensed establishments: \$3.35 \$4.00	01/09/81 01/07/82
Newfoundland	Domestics employed in a private home (16 and over): \$1.73	31/03/81
Ontario	Employees serving alcoholic beverages in licensed establishments: \$3.00	01/10/81
	Construction workers: \$3.75	01/10/81
	Domestic employees* (cooks, housekeepers, nannies) who work more than 24 hours a week: \$24 a day \$132 a week \$568 a month, or \$3.00 an hour	01/10/81

\*Does not apply to baby sitters or companions.



Jurisdiction	Rates & Categories	Effective Date
Quebec	Employees in hotels, restaurants, campgrounds, trailer parks or enterprises who sell, deliver or serve meals to be consumed off the premises or who serve liquor:	
	18 and over: \$3.28	01/10/81
	Under 18: \$2.95	01/10/81
	Domestic workers residing at the employer's residence:	
	\$134 a week	01/10/81
	Domestics who do not reside at the employer's residence and agricultural workers:	
	18 and over: \$4.00	01/10/81
	Under 18: \$3.65	01/04/81

## II. INDUSTRIAL RELATIONS

### A. Legislation of General Application

25. In Alberta, the Labour Relations Amendment Act, which was given Royal Assent on December 2, 1981, made several amendments to the Labour Relations Act having to do with technical and procedural matters, such as the expansion of the powers of the Labour Relations Board. The wording of several sections of the Act was revised in order to clarify their intent.
26. In Saskatchewan, the Trade Union Act was Amended. The amendment, which was given Royal Assent on April 27, 1981 changed the requirement that a majority of all employees in a bargaining unit vote in favour of a strike in order that it be legal. The new requirement limited the necessary majority to a majority of those who vote in a strike vote.

### B. Public and Parapublic Sectors

#### Federal

27. The Canada Post Corporation Act was proclaimed in force on October 16, 1981. The Act provided for the establishment of a Crown Corporation, responsible for the operation of the postal service. All employees of the Post Office Department became employees of the new corporation.
28. Each bargaining agent, previously certified under the Public Service Staff Relations Act was deemed to have been certified under the Canada Labour Code, which is applicable to federal Crown corporations. Any collective agreement or arbitral award which was in effect at the time of proclamation continues in force until its term expires.
29. Grievances, arbitrations and appeals commenced before the coming into force of this Act are continued. Collective bargaining commenced after the coming into force of the Act will be governed by the provisions of the Canada Labour Code.
30. Amendments to the Public Service Employment Regulations made under the federal Public Service Employment Act clarified existing provisions with regard to lay-offs and acting appointments.
31. In British Columbia, the Compensation Stabilization Act was introduced on April 13, 1982. The Act empowers the Executive Council to issue compensation stabilization guidelines applicable to the public sector. The compensation plans of each plan sector employer must conform to the guidelines, which would be administered by the Compensation Stabilization Commissioner.

32. The Lieutenant-Governor in Council is authorized to make regulations concerning compensation of public sector employees, including limitations on increases, or prohibitions of increases, prohibitions or restrictions on the inclusion of certain perquisites in a compensation plan, division of maximum allowable increases among increases in pay, benefits and perquisites and prohibitions of reclassifications the intent of which is to avoid the effects of the compensation regulations.
33. In New Brunswick, an amendment to the Regulation under the Civil Service Act provides that where an employee is to be laid off, the Civil Service Commission may in consideration of the qualifications and work performance of the employee appoint the employee to another appropriate position in the Civil Service without competition if such a position is available or becomes available within 12 months of the day on which the employee was laid off.
34. In Prince Edward Island, new regulations under the Civil Service Act concerning lay-off were promulgated. Under the new provisions, the Civil Service Commission approves the lay-offs of employees in the classified divisions, upon the recommendation of the employing authority. When satisfied that the lay-offs are justified according to relevant criteria established by the Regulations. The names of persons who are laid off must remain on a re-employment list for one year from the effective date of the lay-off.
35. In Quebec, the Civil Service Act was twice amended Bill 12, which was given Royal Assent on June 12, 1981 provided for equal opportunity programs in the public service to encourage the employment of, for example, women, members of cultural communities and handicapped persons. It also established that the Office du Recrutement et de la sélection du personnel de la Fonction publique is responsible for holding grade advancement examinations and by virtue of a provision not yet proclaimed in force, the reassignment of civil servants who have been laid-off.
36. Bill 22, which was proclaimed in force January 8, 1982 and which also amends the Civil Service Act was intended to permit the establishment of a special system of collective bargaining for civil servants employed as peace officers. It will be possible, if desired by the employees, to split an existing bargaining unit, which represents all persons performing the duties of a peace officer, into separate units composed of employees according to their different duties.
37. The amendment provided for the establishment for each unit of a joint parity committee, which will be responsible for negotiating a collective agreement and a method of settling disputes.

### Teachers

38. In Saskatchewan, Bill 70, which came into force May 19, 1981 amended the Education Act. The amendment deals with the scope of bargaining, prohibiting bargaining over the selection of teachers, the courses and program of studies or the professional methods and techniques employed by a teacher.

### Police

39. The Newfoundland Constabulary Act was amended by Bill 46 which came into effect on December 4, 1981. The amendment changes the name of the Constabulary Force of Newfoundland to the Royal Newfoundland Constabulary and modified the procedure for the appeal of disciplinary sanctions.

### C. Emergency Legislation

40. In Alberta, Bill 11, the Health Services Continuation Act was given Royal Assent on March 10, 1982. The Act ended a strike by nurses represented by the United Nurses of Alberta. It provided for the settlement of the collective bargaining impasse by arbitration. In the event of a local of the union being found guilty of an offence under the Act or of contempt of court, the Attorney-General was authorized to direct the Labour Relations Board to revoke the certification of that local.
41. In New Brunswick, an Act to Ensure Resumption and Continuation of Certain Non-teaching Services in the Public Service, came into effect on April 14, 1982. The Act was intended to end a strike involving two bargaining units of support staff employed in the schools. The existing collective agreements, applicable to the General Labour, Trades and Services group and the Stenographic, Typing, Clerical, Regulatory and Office Equipment Operation group were extended and the bargaining period was extended by seven days from the date on which the legislation came into effect. If at the end of this period, the parties were still unable to agree on new agreements, certain matters were to be submitted to an arbitrator to be named by the Legislative Assembly. These matters included union membership, weekly hours of work, wages and duration and termination of the agreements.
42. Upon the coming into force of the Act, the right to strike and to lockout were removed.
43. In Newfoundland, Bill 111 was adopted on November 6, 1981. The purpose of the Essential Health Services Act was to ensure the provision of essential health services in the public hospitals of the province. This was to be accomplished by the designation of those employees who perform essential tasks. Designation was by the union. If the union failed to designate essential employees or did not, in the opinion of the Lieutenant-Governor in Council designate the necessary employees, the Lieutenant-Governor in



Council designated the employees. The Act was scheduled to expire upon the coming into force of a collective agreement covering certain hospital employees employed in laboratories and X-Ray work.

44. In Ontario, the Act respecting the Leeds and Grenville County Board of Education and Teachers Dispute was given Royal Assent on July 3, 1981 but not proclaimed in force. The object of the Act was to bring an end to a strike by secondary school teachers employed by the Leeds and Grenville County Board of Education. It ordered teachers to return to work and resume their duties in accordance with their contract of employment and collective agreement. It also ordered the school board to resume the employment of the teachers. Matters remaining in dispute between the parties were to be submitted to a selector named by the Education Relations Commission. The Act was never proclaimed in force.
45. In Quebec, an Act concerning the services of the Montreal Urban Community Trust Commission came into force on January 15, 1982. The Act was intended to ensure the resumption of normal services of the Montreal Urban Community Transit Commission and to permit the pursuit of collective bargaining, with conciliation assistance, in order to renew or replace the collective agreements which expired on January 11, 1982. In order to accomplish these goals, the law extended the term of the collective agreement until new agreements were arrived at or until May 11, 1982 whichever was earlier. During this period of extension the right to strike and to lockout was suspended and the employees of the transit commission were required to report for duty and to refrain from any slowdown in their normal work activity.
46. Fines were provided for in cases of contraventions. In addition, the law provided that if the bargaining dispute was not settled by March 11, 1982, a commission of inquiry was to be established to inquire into the State of Labour Relations at the transit commission.
47. In Saskatchewan, the Labour-Management Disputes (Temporary Provisions) Act, which came into force on March 26, 1982, ended a strike by employees of various hospitals, represented by the Canadian Union of Public Employees. The dispute was to be settled by arbitration by Mr. Justice K. Halvorson of the Court of Queen's Bench unless the parties were able to agree on a new collective agreement within eight days.

#### D. Construction

48. In Quebec, an Act respecting the Joint Committee on Construction came into force on June 18, 1981. Under the provisions of this Act, the Minister of Labour, Manpower and Income Security was required to establish a new Joint Committee on Construction taking into consideration the degree of representation of each of the



five employee associations recognized as such under the terms of the Construction Industry Labour Relations Act. The new committee replaces the former committee as it existed.

### III. OCCUPATIONAL SAFETY AND HEALTH

49. During the last 13 months, changes have been made to the occupational safety and health legislation of most jurisdictions.
50. New Brunswick has passed An Act to Amend the Occupational Safety Act which came into force on January 1, 1982.
51. The title of the Act has been changed to the Occupational Health and Safety Act.
52. The legislation now provides for the appointment of mines safety officers and a Chief Mines Officer.
53. Also, obligations existing under the legislation for employers have been extended to owners. The term "owner" includes a tenant or a person for whose direct benefit the work is being done and completed. However, this does not include a landlord who, under the terms of the lease, has transferred all responsibility for risks in relation to any premises.
54. Such owner must with respect to a place of employment, or part thereof, over which he has charge and control, comply with the Act, the regulations or an order.

#### Right to Refuse Dangerous Work

55. By virtue of new provisions incorporated in the legislation, an employee may refuse to do any act at his place of employment where he has reasonable grounds for believing that such act is unusually dangerous to his health or safety.
56. Any employee who is concerned that an act may be unusually dangerous to his health or safety must refer the concern to his superior, and, in the event the concern is not resolved to his satisfaction, to a safety committee established pursuant to regulation, or where a safety committee has not been established, to an occupational health officer, an occupational safety officer or a mines safety officer, as the case may be.
57. No employee may be disciplined by reason of the fact alone that he has refused to act if this refusal is authorized by the legislation and the employee complies with what is specified in the previous paragraph.
58. Where an employee has refused to do work believed to be unusually dangerous, no other employee may be assigned to perform the work unless he has been advised by a supervisor of such refusal and the reasons therefor.

### Medical Examinations

59. A medical examination required by the New Brunswick Occupational Health and Safety Commission to determine whether or not an employee is affected with an industrial disease must, where practicable, be carried out during the normal working hours of the employee, and in all cases, the cost must be paid by the employer.
60. Where an employee is examined during his normal working hours, his employer may not make any deductions of wages or other benefits for the time lost by the employee in going to, attending or returning from a medical examination.
61. Where a physician has attended an employee who became ill or was injured while engaged in his employment, or has performed a medical examination required by the Commission, he must, at the request of the Commission, provide it with such medical reports as it requires in relation to the employee attended or examined.

### Issuance of Orders

62. The provision of the Act dealing with the issuance of orders by officers appointed under the legislation, has been revised. Among other things, its scope has been expanded to encompass the making of orders to rectify anticipated as well as existing unsafe or unhealthy working conditions.

### Penalties

63. There has been an increase from \$5 000 to \$10 000 of the maximum daily fine that is provided for a contravention of the Act or regulations.
64. In Prince Edward Island, the Construction Safety Act was assented to on April 24, 1981. The Act will come into force by way of proclamation. Its purpose is to establish safety standards for the construction industry more specific and extensive than those already provided in the Industrial Safety Regulations under the Workers' Compensation Act. It applies to every project within the province, including any project of the Crown or one of its agencies, except where the work is done solely by the owner or in cases specified by regulations. The law will be administered by the Workers' Compensation Board which, among other things, will have the power to require the establishment of health and safety committees.
65. In Nova Scotia, An Act to Amend Chapter 141 of the Revised Statutes, 1967, the Industrial Safety Act was assented to on June 24, 1981. The legislation has extended the coverage of the Act to forest industry operations. This does not include ornamental nursery trees and a woodlot where the product is cut for personal use and not for sale or where there is no employer-employee relationship. Also a new provision has placed the burden

of proving that a person does not come within an exemption provided in the Act, upon an inspector or a person prosecuting an offence.

66. In Alberta, numerous new regulations have been adopted under the Occupational Health and Safety Act.
67. Effective August 20, 1981, the Designation of Serious Injury and Accident Regulation defines "serious injury" and specify the accidents which have the potential of causing serious injury, for the purposes of administering the Act and the regulations adopted under it.
68. Also effective on August 20, 1981, the First Aid Regulation, 1981 has replaced the First Aid Regulations made in 1976 and has amended other regulations issued under the Act. The regulation clarifies the responsibilities of employers and principal contractors regarding first aid supplies and services and provides for agreements between them. The provision dealing with emergency transportation of injured workers has been made more flexible. Two additional levels of trained personnel (First Aider II and Paramedic) have been recognized. Changes have also been made in the requirements for first aid kits and a first-aid room and the legislation contains tables showing that first-aid supplies and services vary according to the number of workers per shift in any given industry.
69. Coming into force on August 27, 1981, the Noise Regulation has replaced another regulation originally adopted under the Public Health Act. It contains occupational exposure limits for noise (including impulse noise) which are the same as the current Threshold Limit Values of the American Conference of Governmental and Industrial Hygienists (ACGIH). Workers exposed to noise levels above those limits must be supplied with, and wear, hearing protectors complying with CSA Standard Z94.2-1974. In addition, unless their exposure does not exceed 90 dBA in a consecutive eight hour period, they must undergo audiometric testing and various requirements are outlined relating to such testing.
70. Having taken effect on October 14, 1981, the Occupational Health and Safety Grants Regulation defines certain powers which the Minister responsible for the administration of the health and safety legislation has in awarding grants to support various activities designed to contribute to the prevention of occupational injuries and illnesses in the province. The new legislation also outlines the obligations of the grant applicant and recipient.
71. Another regulation adopted on October 28, 1981, the Designation of Hazardous Materials Regulation, designates, in a schedule, those materials that are considered as "hazardous" for the purposes of administering the Act and its regulations. At present, those designated hazardous materials include explosive substances.



72. Effective March 1, 1982, four other regulations have been issued under the Alberta Occupational Health and Safety Act dealing with chemical hazards, asbestos, silica dust and vinyl chloride.
73. The Chemical Hazards Regulation replaces the Provincial Board of Health Regulations Respecting Occupational Health which were adopted in 1972. It establishes Occupational Exposure Limits for approximately 750 industrial chemicals and dusts. It also deals with air contaminants presenting a fire or explosion hazard or capable of dangerously reducing the oxygen content of the air that can be inhaled. The regulation contains a list of substances and processes brought to, stored or used at the work site and for which information must be provided to the Director of Occupational Hygiene. In addition, it specifies work practice and worker education requirements for various chemical occupational health hazards. Finally, approximately 600 substances are established as "designated substances" in order to implement section 24 of the Act which provides for the compilation of written reports concerning those substances when they are used, stored or manufactured on a work site.
74. The Asbestos Regulation requires the employer to restrict access to areas of a work site in which there is a reasonable potential for worker exposure to airborne asbestos in an amount equal to or greater than 25 per cent of the eight hour Occupational Exposure Limit prescribed in the Chemical Hazards Regulation. In addition, the legislation establishes work practice requirements and provides for a medical surveillance program as well as record keeping arising from it.
75. The Silica Regulation sets out work practice requirements for work sites where worker exposure to airborne silica exceeds 50 per cent of the eight hour Occupational Exposure Limit specified in the Chemical Hazards Regulation. It also provides for a medical surveillance program and record keeping arising from it. It does not apply, however, to workers covered by the Provincial Board of Health Regulations Respecting the Protection of Persons from Fibrosis of the Lungs.
76. Finally, the Vinyl Chloride Monomer Regulation has been adopted. It applies to work sites where vinyl chloride is produced, transported, stored or polymerized. It deals mainly with the medical surveillance program established for each worker who is employed for more than 30 days per year in an area of a work site where there is a reasonable potential for exposure. The regulation repeals the Provincial Board of Health Regulations Respecting the Notification of Industrial Disease.
77. In Ontario, two regulations have been issued to prescribe lead and mercury as designated substances under the Occupational Health and Safety Act. The regulations provide limits of exposure for workers and if for specified reasons, the maximum time-weighted average exposure of a worker to airborne lead or mercury cannot be



complied with, the employer must provide respiratory equipment. Every employer to whom the regulations apply must cause an assessment to be made of the exposure or likelihood of exposure in a work place of a worker to the inhalation, ingestion or absorption of lead or mercury. If there is a likelihood of such exposure and if the health of the worker may be affected thereby, the employer must adopt measures and procedures to control the exposure and must incorporate the same into a lead or mercury control program. Among other things, such program must include provisions for methods and procedures to monitor the concentrations of airborne lead or mercury and the exposure of workers as well as personal records of exposure, medical examinations and clinical tests. The results of monitoring and the information pertaining to records of exposure, physical examinations and clinical tests must be disclosed in a prescribed manner to the persons provided in the regulations and must be kept for a specified period of time.

78. Effective February 15, 1982, British Columbia has made a regulation under its Workers' Compensation Act which contains a revision of the requirements of the Industrial Health and Safety Regulations dealing with concrete formwork and falsework. Other amendments, which came into force on April 1, 1982, have defined the safety responsibility of the principal contractor or owner of construction projects and have required the notification of such projects. In addition, there have been changes in requirements having to do with temporary support during erection of structures or equipment. Also, on April 15, 1982, a new provision dealing with the evacuation of injured construction workers was added to the regulations.
79. On August 22, 1981, Quebec has issued a Regulation respecting joint sector-based associations on occupational health and safety under the Act respecting occupational health and safety. The object of those associations is to provide training, information, research and counselling services to employers and workers concerned. The regulation describes sectors of activities for which only one sector-based association may be established. It prescribes the minimum compulsory content of the agreement between one or several employers' associations and one or several union associations belonging to the same sector of activity. It determines the conditions and criteria according to which subsidies may be granted to a sector-based association by the Commission de la santé et de la sécurité du travail (Occupational Health and Safety Commission) and it indicates what information such an association must transmit to the Commission including an annual report of its activities.
80. In Newfoundland, an Asbestos Exposure Code has been adopted pursuant to the Mines (Safety of Workmen) Regulations, 1957 under the Regulation of Mines Act. It is a code of practice for the determination of asbestos fibre concentrations in mining and milling in the province. The code describes mandatory methods of sampling,

analysis and determination of results, monitoring programs, standards to be maintained, and the method of determining compliance with such standards.

81. In the federal jurisdiction, there have been amendments to the Coal Mines (CBDC) Safety Regulations under the Canada Labour Code. The amendments require greater safety controls in the operation of the Cape Breton Development Corporation Coal Mines. Among them, is a new provision stating that no person who is employed as a mine or underground manager, overman, mine examiner or shot firer may be paid wages or bonuses directly dependent on the amount of mineral extracted. An exemption may, however, be granted by the Chief Inspector where payments of a production bonus are part of a collective agreement or local contract made prior to the coming into force of the provision or where the health and safety of persons or employees in a mine or one of its sections are not endangered by such payment of wages or bonuses.

#### IV. WORKERS' COMPENSATION

82. During the last 13 months, most jurisdictions have amended their workers' compensation legislation.

##### Coverage

83. Coming into force on January 1, 1982, Alberta has passed the Workers' Compensation Act, 1981 which has replaced the existing legislation on the subject.
84. The definition of accident under the new Act includes a disabling or potentially disabling condition caused by an occupational disease.
85. In New Brunswick, an Act to amend the Workmen's Compensation Act took effect on January 1, 1982 except for some provisions.
86. The amendments have changed the title of the Act to "Workers' Compensation Act" and have removed fishermen, farm labourers and menial servants from the list of those who are exempted from the compulsory application of the Act. However, an industry is excluded from the scope of Part 1 of the Act unless it has at least three workers (25 for the fishing industry) usually employed at the same time during the year.

##### Earnings Ceiling

87. The maximum insurable earnings have been increased in all jurisdictions as follows:

<u>Jurisdiction</u>	<u>Annual Maximum Wage Rate</u>	<u>Date of Coming Into Force</u>
Alberta	from \$22 000 to \$40 000	01/01/82
British Columbia	from \$22 200 to \$24 700	01/01/82
Manitoba	from \$21 000 to \$23 000	01/01/82
New Brunswick	from \$18 000 to \$23 200	01/01/82
Newfoundland	from \$19 000 to \$21 000	01/01/82
Nova Scotia	from \$15 000 to \$19 000	01/01/82
Ontario	from \$18 500 to \$22 200	01/07/81
Prince Edward Island	from \$15 000 to \$16 000 from \$16 000 to \$17 000	01/07/82 01/01/83
Quebec	from \$23 500 to \$26 000	01/01/82
Saskatchewan	from \$24 000 to \$26 000	01/01/82
Northwest Territories	from \$20 400 to \$23 200	01/01/82
Yukon Territories	from \$21 000 to \$24 000	01/01/82
Federal (Merchant Seamen)	from \$17 000 to \$20 000	01/04/82

Benefits to Dependants

88. Ontario has passed the Workmen's Compensation Amendment Act, 1981 which, effective July 1, 1981, has increased the maximum funeral expenses and the lump sum payable to a surviving spouse or to a person who takes care of orphan children, from \$1 000 to \$1 200.
89. Changes have also been made to upgrade dependants' monthly allowances to new levels as follows:

<u>Dependent Widow or Widower</u>	<u>Child under 16 with Parent</u>	<u>Orphan Child under 16</u>	<u>Effective Date</u>
\$447	\$123	\$139	01/07/80
\$492	\$136	\$153	01/07/81

90. In Manitoba, an Act to amend the Workers' Compensation Act was assented to on May 26, 1981.
91. Effective July 1, 1981, the minimum monthly payment that an eligible widow or widower is entitled to receive has been set at \$475. The allowance for a child under 16 went up from \$90 to \$107 per month and from \$100 to \$119 when he/she is an orphan. The monthly amount paid in respect of a child of 16 years or over continuing his education and still entitled to benefits was increased from \$100 to \$119 and from \$110 to \$131 when he/she is an orphan.
92. The allowance granted to a workman's mother who was wholly dependent upon his earnings, has been raised from \$400 to \$475 per month.
93. Under the new Alberta Workers' Compensation Act, 1981, dependent spouses continue to receive the pension the deceased worker would have received had he lived and been permanently and totally disabled. However, such pension is no longer paid for life automatically.
94. Where there is a dependent spouse and dependent children, the pension is paid until the month in which the youngest dependent child reaches the age of 18, at which time a five year term pension is payable. At that time, the spouse who is gainfully employed receives a full pension for the first 12-month period, 80 per cent for the second such period, 60 per cent for the third, 40 per cent for the fourth and 20 per cent for the fifth and last period. In the case of the dependent spouse who is not employed, the Board may continue payment of the full pension until that person becomes gainfully employed or a period of 60 months has elapsed after the month in which the child reached the age of 18, whichever occurs first. At that time, or possibly before if the spouse neglects or refuses to accept available vocational rehabilitation services, the decreasing five year term pension takes effect.



95. Where there are no dependent children, the surviving dependent spouse who accepts vocational rehabilitation services provided under the legislation, is entitled to a full pension until he or she becomes gainfully employed or until the expiration of a period of 60 months after the death of the worker, whichever occurs first. At that time or in the month following the worker's death if the spouse is already employed or neglects or refuses vocational rehabilitation, the decreasing five year term pension begins to be paid.
96. In addition, the Alberta Act provides safeguards and flexibility for those dependent spouses only partially self sufficient and gives the Board the power to continue the payment of benefits to those who cannot be trained because of age or infirmity.
97. Notwithstanding any payment to a dependent spouse, the Board may pay compensation to a dependent child who is under the age of 18 and who is not residing with the dependent spouse at the time of the worker's death in an amount not exceeding \$139 per month.
98. The Board may also make additional payments of not more than \$66 per month to an orphan child under the age of 18 to assist in his maintenance and support.
99. In New Brunswick, where a worker dies after January 1, 1982, as a result of a compensable injury, the Board pays to the worker's estate an amount equal to 5 per cent of the New Brunswick Industrial Composite Earnings (for 1982, 5 per cent of \$15 500 or \$775) to assist with necessary expenses caused by the death, such as burial.
100. Also, where owing to the circumstances of the case, the body of the worker is transferred for a considerable distance for burial, a further sum is paid for necessary expenses of that transportation within Canada.
101. Effective January 1, 1982, where a worker is survived by a dependent spouse, there is payable to that spouse up to age 65, benefits equal to 80 per cent of the deceased worker's average net earnings, based on his average earnings as determined by the Workers' Compensation Board.
102. The amount of the benefits may be reduced if, when combined with the net earnings of the spouse, they exceed 90 per cent of the net family income as defined in the Act.
103. Benefits awarded to a spouse are reviewed as of January 1 of each year and for the purposes of this review, the average earnings of the worker, as previously determined by the Board, are adjusted in accordance with the percentage increase in the New Brunswick Industrial Composite Earnings.



104. Where there is a surviving child of the worker and the dependent surviving spouse has died or is unable or unwilling to care for the child, the benefits are payable to the guardian of the child or directly to him or her when the age of 16 is reached. The benefits vary from 10 per cent to 15 per cent of the New Brunswick Industrial Composite Earnings depending on the age of the child. Payments may be made to a child up to the age of 21 where he or she is attending school on a full-time basis.
105. Where a dependent surviving spouse remarries or, although not married, is cohabiting in a conjugal relationship with another person who has a legal obligation to support that spouse, the benefits cease but the beneficiary is entitled to a lump sum payment equal to one year's benefit based on the last payment received.
106. In such a case, where the spouse continues to have the care of a dependent child of the worker, benefits are payable to the spouse for the benefit of that child.
107. A pension scheme is established for dependent surviving spouses reaching the age of 65. Such pension is not affected by benefits provided under the Canada Pension Plan and the Old Age Security Act.
108. A new scheme of benefits is provided for dependants who were already in receipt of compensation or were eligible for it prior to the coming into force of the legislation. In the case of a dependent surviving spouse, the Board pays an amount equal to 40 per cent of the New Brunswick Industrial Composite Earnings in addition to any amount payable for the benefit of a dependent child. The spouse's pension is paid for life and is adjusted on January 1 of each year.
109. In no case may the total benefits paid to all dependants of a worker exceed the compensation which would have been payable to the worker had he been totally unable to work if he had survived.
110. In Newfoundland, a new surviving dependants benefits system was implemented on January 1, 1982. A substantial lump sum based on 2.5 times the annual amount that the worker would have received for temporary total disability is paid to any eligible surviving spouse following the death. Presently, it ranges from \$15 912 to \$39 375. Also, the monthly allowance to an eligible surviving spouse is now equal to 75 per cent of the disability pension the worker would have received if he had suffered a temporary total disability (minimum \$410 per month).

111. The monthly benefits are payable in the circumstances described below:

<u>Status of Spouse at Time of Death</u>	<u>Monthly Benefits</u>
35 years or under with no dependent child	none
" " " " with dependent child	paid until youngest child reaches age 16
over 35 and under 50 with no dependent child	proportion according to age of pension payable if spouse had been over 50; payable until age 65
" " " " " with dependent child	paid until youngest child reaches age 16 and then as if there had been no children
50 years and over or invalid	paid until age 65 unless circumstances warrant further benefits

112. Effective April 1, 1982, an amendment to the Prince Edward Island Workers' Compensation Act has increased from \$300 to \$350 the monthly payment made to a dependent widow or widower and from \$60 to \$75 in respect of an eligible child of the deceased worker. The allowance paid when such child is an orphan went up from \$75 to \$90 per month. Also, there has been a raise in the final payment made when a spouse entitled to benefits remarries; it has been set at 12 times \$350 instead of 12 times \$100.
113. In the federal jurisdiction, benefits for dependants of merchant seamen covered by the Merchant Seamen Compensation Act, have been increased by Order in Council on April 1, 1982.
114. The monthly pension to a widow or invalid widower who is the sole dependant, has been raised from \$360 to \$375 and dependent widows or invalid widowers with one or more eligible children now receive a minimum pension to \$460 per month. The monthly payment made in respect of dependent children under the age of 18 or under 21 and attending school with the approval of the Merchant Seamen Compensation Board, has been increased to \$85.
115. In Nova Scotia, Quebec and the Yukon Territory, benefits to dependants were upgraded in relation to the increase in the cost-of-living, effective January 1, 1982. The same applied to British Columbia where there was a raise on July 1, 1981 and on January 1, 1982.

Disability Benefits

116. The minimum compensation for total disability has been increased in many jurisdictions as follows:

<u>Jurisdiction</u>	<u>Permanent Total Disability</u>	<u>Temporary Total Disability</u>
Alberta	\$675 per month (formerly \$615)	Average bi-weekly net earnings if they are less than \$675 per month
British Columbia	\$687.78 per month (formerly \$649.29)	\$158.71 per week* (formerly \$149.83)
Manitoba	\$475 per month* (formerly \$400)	\$475 per month* (formerly \$400)
Newfoundland	\$530.40 per month (formerly \$482.17)	\$122.40 per week* (formerly \$111.27)
Nova Scotia	\$476 per month (formerly \$395)	\$99 per week* (formerly \$90)
Ontario	\$686 per month (formerly \$623)	\$156 per week* (formerly \$129)
Saskatchewan	For total loss of earnings: \$580* (formerly \$505)	For total loss of earnings: \$580* (formerly \$505)
Northwest Territories	\$638 per month* (formerly \$561)	\$638 per month* (formerly \$561)
Yukon Territory	\$104 per week* (formerly \$92)	\$104 per week* (formerly \$92)

\*or earnings, if less.

117. Under the new Alberta legislation, if an accident disables a worker for all or part of the day of the accident, the employer must, by the end of the next regularly scheduled pay period after that day, pay compensation to the worker for that day in an amount equal to the minimum normal net wage the worker would have received for that day if he had not been disabled and had been available for work.
118. In such a case, the Workers' Compensation Board is not responsible for providing compensation to the worker, other than medical aid, for that day.
119. For the first 30-day period of disability, compensation is based on the worker's actual net earnings at the time of the accident or

on his average net earnings, if that calculation can readily be made at the time of the accident, whichever is more favourable to the worker. Starting on the 31st day, compensation is based on the worker's average net earnings.

120. In the case of permanent total and temporary total disability, compensation is 90 per cent of the worker's actual net earnings or average net earnings as the case may be.
121. In the case of permanent partial and temporary partial disability, compensation is a proportionate part of 90 per cent of the worker's actual net earnings or average net earnings based on the Board's estimate of the impairment of earning capacity from the nature and degree of disability.
122. In New Brunswick, the amendments to the Act have brought a new scheme of compensation for workers injured on or after January 1, 1982. They have changed the basis of compensation from the "degree of physical impairment" to the actual "loss of earnings". Flexible calculation of the worker's average earnings has been provided for the determination of benefits.
123. Where injury or recurrence of an injury to a worker results in a loss of earnings beyond the day of the injury, the Board estimates the loss of earnings resulting therefrom and pays compensation to the worker in an amount equal to 90 per cent of the estimated loss of net earnings.
124. The amount of the compensation payable to an injured worker who is totally unable to work because of the injury or recurrence of the injury must be not less than 50 per cent of the New Brunswick Industrial Composite Earnings (for 1982: 50 per cent of \$15 500). However, where the inability to work is only partially a result of the injury or recurrence of the injury, the minimum compensation is a corresponding portion of the amount. (This provision has not yet been proclaimed into force and a bill has been introduced which would make it applicable only after two years following the date of injury or recurrence of the injury).
125. Compensation being paid for loss of earnings is reviewed on January 1 of each year and is adjusted on the basis of the increase in the New Brunswick Industrial Composite Earnings.
126. Compensation is payable until the loss of earnings ceases, or until the worker attains age 65, whichever occurs first. However, where a worker is 63 years of age or more at the commencement of his loss of earnings resulting from the injury or recurrence of an injury, the Board will provide compensation for a period not exceeding two years following the commencement of his loss of earnings.
127. In recognition of loss of opportunity, a lump sum award is payable to a worker for a permanent physical impairment arising out of an



injury. The amount of the award is calculated in accordance with a rating schedule prescribed by regulation and it is not less than \$500 and not more than the maximum insurable earnings.

128. A pension scheme taking effect at age 65 is established for workers who receive benefits under the new compensation system for a period exceeding 24 consecutive months. Such pension is not affected by the benefits provided under the Canada Pension Plan and the Old Age Security Act.
129. Amendments were made to the Saskatchewan Workers' Compensation Act, 1979. They include replacing the word "disability" with the expression "functional impairment" in certain sections of the Act and the maximum of the lump sum provided for a permanent functional impairment went up from \$10 000 to \$15 000.
130. Also, the Act now stipulates that the Board may make a special assessment on all employers who have fatal accidents for the purposes of apportioning the cost to the fund of fatal accidents equally among those employers.

#### Benefits Received under the Canada Pension Plan

131. In New Brunswick, any compensation or benefits payable by the Board under the new provisions of the legislation, to a worker or a dependant is reduced by the amount that person is entitled to receive under the Canada Pension Plan relative to the death, injury or recurrence of the injury.

#### Compensable Diseases

132. In Nova Scotia, an Act to amend Chapter 343 of the Revised Statutes, 1967, the Workers' Compensation Act was assented to June 24, 1981. It contains a provision which specifies that any coal miner who has worked at the face of a mine or in similar conditions for 20 years or more and who suffers from a loss of lung function will be compensated according to his disability.

#### Compensation of Penitentiary Inmates

133. The federal government has issued Penitentiary Inmates Accident Compensation Regulations under the Penitentiary Act, Pension Act and Appropriation Act No. 4, 1973. Adopted on April 1, 1982, the regulations are a revision of the Penitentiary Inmates Accident Compensation Terms and Conditions which were approved in 1977. They provide for a system under which discharged inmates or their dependent spouses or children, may seek compensation in respect of an accident (including an occupational disease) suffered by a prisoner while working or training in a federal penitentiary. The compensation system is administered by the Injury Compensation Division of the Occupational Safety and Health Branch of Labour Canada.



## ADOPTION OF LEGISLATION

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, most bills are referred to a committee to undergo detailed study and possible amendment. Committees can be of three main kinds: standing committees, special or sessional committees and committees of the whole house.

After third reading and adoption, a Bill then, must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. However, it is often specified that the law, or part of it, will come into force at a later date fixed by a proclamation of the Government.

In most acts, the Governor in Council, or in the provinces the Lieutenant Governor in Council, the Minister responsible or an administrative body are given regulatory powers to deal with their administration. Regulations issued under an act do not require the approval of a Legislature.

Once a law becomes effective, the regulations made under its authority become part of the legislation.

A list of the acts and regulations adopted during the current period and mentioned in the report is attached.

Acts and Regulations Mentioned in This Report

Jurisdiction	Number Bill/Reg.	Title	Disposition
Federal	C-42	Canada Post Corporation Act	Royal Assent 23/04/81
	C-78	Labour Adjustment Benefits Act	Royal Assent 31/03/82
	SOR/81-544	Amendment to the Coal Mines (CBDC) Safety Regulations under the Canada Labour Code.	Gazetted 22/07/81
	SOR/81-716	Amendment to the Public Service Employment Regulation under the Public Service Employment Act	Gazetted 14/10/81
	SOR/82-382	Merchant Seamen Compensation Order under the Merchant Seamen Compensation Act	Gazetted 14/04/82
	SOR/82-385	Penitentiary Inmates Accident Compensation Regulations under the Penitentiary Act, Pension Act and Appropriation Act No. 4, 1973	Gazetted 14/04/82
Alberta	11	Health Services Continuation Act	Royal Assent 10/03/82
	37	The Workers' Compensation Act, 1981	Royal Assent 02/06/81
	61	Workers' Compensation Amendment Act, 1981	Royal Assent 02/12/81
	85	Labour Relations Amendment Act	Royal Assent 02/12/81
	86	Employment Standards Amendment Act, 1981 (No. 2)	Effective 20/11/81
	298/81	Designation of Serious Injury and Accident Regulation under the Occupational Health and and Safety Act	Gazetted 15/09/81
	299/81	First Aid Regulation, 1981 under the Occupational Health and Safety Act	Gazetted 15/09/81
	314/81	Noise Regulation under the Occupational Health and Safety Act	Gazetted 15/09/81
	374/81	Occupational Health and Safety Grants Regulation under the Occupational Health and Safety Act	Gazetted 31/10/81

Jurisdiction	Number Bill/Reg.	Title	Disposition
Alberta (continued)	387/81	Designation of Hazardous Materials Regulation under the Occupational Health and Safety Act	Gazetted 14/11/81
	7/82	Asbestos Regulation under the Occupational Health and Safety Act	Gazetted 30/01/82
	8/82	Chemical Hazards Regulation under the Occupational Health and Safety Act	Gazetted 30/01/82
	9/82	Silica Regulation under the Occupational Health and Safety Act	Gazetted 30/01/82
	10/82	Vinyl Chloride Monomer Regulation under the Occupational Health and Safety Act	Gazetted 30/01/82
British Columbia	28	Compensation Stabilization Act	2nd reading 11/05/82
	222/81	Employment Standards Act Regulation Amendments	Gazetted 16/06/81
	71/82	Regulation under the Workers' Compensation Act	Gazetted 23/03/82
	126/82	Regulation under the Workers' Compensation Act	Gazetted 20/04/82
Manitoba	62	An Act to amend the Workers' Compensation Act	Royal Assent 26/05/81
	84/81	Regulation under the Payment of Wages Act	Gazetted 04/05/81
	106/81	Regulation under the Construction Industry Wages Act	Gazetted 09/05/81
	122/81	Regulation under the Construction Industry Wages Act	Gazetted 23/05/81
	49/82	Regulation under the Construction Industry Wages Act respecting Minimum Wages and Standards Hours of Work for Employees in the Heavy Construction Industry.	Gazetted 20/03/82
	90/82	Regulation under the Employment Standards Act to Amend Revised Regulation E 110-R1	Gazetted 01/05/82
	112/82	Regulation under the Construction Industry Wages Act	Gazetted 05/06/82

Jurisdiction	Number Bill/Reg.	Title	Disposition
New Brunswick	18	An Act to Ensure Resumption and Continuation of Certain Non-teaching Services in the Public Service	Royal Assent 14/04/82
	47	An Act to Amend the Wage-Earner's Protection Act	Royal Assent 17/07/81
	48	An Act to Amend the Vacation Pay Act	Royal Assent 17/07/81
	49	An Act to Amend the Minimum Wage Act	Royal Assent 17/07/81
	50	An Act to Amend the Occupational Safety Act	In Force 01/01/82
	51	An Act to Amend the Minimum Employment Standards Act	Royal Assent 17/07/81
	90	An Act to amend the Workmen's Compensation Act	Royal Assent 17/07/81
	81-74	Regulation under the Public Service Act	Gazetted 08/07/81
Newfoundland	83/81	Asbestos Exposure Code adopted pursuant to the Mines (Safety of Workmen) Regulations, 1957 under the Regulation of Mines Act	Gazetted 15/05/81
	197/81	Workers' Compensation Orders, 1981 under the Workers' Compensation Act	Gazetted 23/10/81
Nova Scotia	60	An Act to Amend Chapter 141 of the Revised Statutes, 1967, the Industrial Safety Act	Royal Assent 24/06/81
	146	An Act to Amend Chapter 343 of the Revised Statutes, 1967, the Workers' Compensation Act	Royal Assent 24/06/81
Ontario	95	An Act to Amend the Employment Standards Act	Royal Assent 02/07/81
	119	An Act respecting the Age of Mandatory Retirement	1st Reading 16/06/81
	124	An Act respecting the Leeds and Grenville County Board of Education and Teachers Dispute	Royal Assent 03/07/81
	129	An Act to Amend the Workmen's Compensation Act	Royal Assent 03/07/81

Jurisdiction	Number Bill/Reg.	Title	Disposition
Ontario (continued)	241/81	Regulation to Amend the Fruit, Vegetable and Tobacco Harvesters Regulation under the Employment Standards Act	Gazetted 09/05/81
	536/81	Designated substance-lead under the Occupational Health and Safety Act	Gazetted 29/08/81
	141/82	Designated substance-mercury under the Occupational Health and Safety Act	Gazetted 27/03/82
Prince Edward Island	28	Construction Safety Act	Royal Assent 24/04/81
	38	An Act to Amend the Labour Act	Royal Assent 07/05/82
	42	An Act to Amend the Workers' Compensation Act	Royal Assent 07/05/82
	EC 979/81	Amendment to Regulations under the Civil Service Act	Gazetted 31/10/81
Quebec	12	An Act to Amend the Civil Service Act	Royal Assent 12/06/81
	13	An Act respecting the Joint Committee on Construction	Royal Assent 18/06/81
	15	An Act respecting the Abolition of Compulsory Retirement and Providing Amendments to Certain Legislation	Royal Assent 01/09/82
	22	An Act to Amend the Civil Service Act	Royal Assent 19/12/81
	47	An Act respecting the transit services of the Montreal Urban Community Transit Commission	Royal Assent 15/01/82
	O.C.2101-81	Regulation respecting joint sector-based associations on occupational health and safety under An Act respecting occupational health and safety	Gazetted 12/08/81
Saskatchewan	19	An Act to Amend the Trade Union Act	Royal Assent 27/04/81
	45	An Act respecting Temporary Provisions for Labour-Management Disputes	Royal Assent 26/03/82



Jurisdiction	Number Bill/Reg.	Title	Disposition
Saskatchewan (Continued)	70	An Act to Amend the Education Act	Royal Assent 19/05/81
	83	Workers' Compensation Amendment Act, 1981	Royal Assent 19/05/81
	1000/81	Regulation under the Labour Standards Act	Gazetted 17/07/81











CA1  
L11  
- L26



Labour  
Canada

Travail  
Canada

# LEGISLATIVE REVIEW

number 16  
June 30, 1983

Canada





# **LEGISLATIVE REVIEW**

**number 16**  
**June 30, 1983**

Labour Canada  
Economics and Industrial Relations  
Research Branch

Published by Authority of the Honourable André Ouellet  
Minister of Labour, Government of Canada

(Cette publication est également disponible en français  
sous le titre Revue de la législation.)

L43-1398/83F

Available from: Publications Distribution Centre,  
Labour Canada,  
Ottawa, Ontario.  
K1A 0J2

(819) 994-0543



Printed in Canada

## FOREWORD

The Legislative Review is an annual report which describes pertinent labour legislation enacted by the federal, provincial and territorial governments.

Issue No. 16 covers the period from June 1, 1982 to June 30, 1983. It sets out enactments in the fields of employment standards, industrial relations, occupational safety and health and workers' compensation.

The Legislative Review regroups and, in certain instances, describes in a more detailed manner the most important labour legislation published in the Index of Labour Legislation which is a monthly report produced by the Legislative Analysis and Research Division.

The present issue is co-authored by Michel Gauvin, Michael Lascelles and Geoffrey Brennan who are members of the Legislative Analysis and Research Division.

M. Mueller,  
Director,  
Economics and Industrial  
Relations Research Branch.

M. Gauvin,  
A/Chief,  
Legislative Analysis and  
Research Division.



© Minister of Supply and Services Canada 1983

Cat. No. L 12-12/16-1983E

ISBN 0-662-12781-1

## LEGISLATIVE REVIEW

June 1, 1982 - June 30, 1983\*

	<u>Page</u>
I. Employment Standards	1
II. Industrial Relations	12
A. Legislation of General Application	12
B. Public and Para public Sectors	18
C. Emergency Legislation	24
D. Construction Industry	26
E. Fishing Industry	27
III. Occupational Safety and Health	28
IV. Workers' Compensation	33
Adoption of Legislation	38
Index of acts and regulations mentioned in this report	39

---

\*Acts and regulations not received in time for the printer's deadline will be included in the next issue.



## Contents

	<u>Paragraphs</u>
I. EMPLOYMENT STANDARDS	1-35
Introduction	1
Termination of Employment	2-7
Federal	2-4
Ontario	5
Manitoba	6
Nova Scotia	7
Minimum Wages	8-15
New Brunswick	8
Newfoundland	8,11
Nova Scotia	8,10
Prince Edward Island	8,10
Northwest Territories	9
Manitoba	12-15
Protection of Wages	16-24
Ontario	16
Nova Scotia	17
Prince Edward Island	18
Manitoba	19-23
New Brunswick	24
Conditions of Work - Domestic Workers	25-26
Manitoba	25-26
Canada Day	27-28
Federal	27-28
Garnishment and Attachment	29-31
Federal	29-30
Newfoundland	31
Labour Standards Tribunal	32
Newfoundland	32
Lie Detector Tests	33
Ontario	33

## Contents

	<u>Paragraphs</u>
Meal Breaks	34
Northwest Territories	34
Adoption Leaves - Unemployment Insurance Benefits	35
Federal	35
II. INDUSTRIAL RELATIONS	36-123
A. Legislation of General Application	36-66
New Brunswick	36-40
Manitoba	41-51
British Columbia	52-56
Ontario	57-58
Alberta	59-63
Saskatchewan	64-65
Federal	66
B. Public and Para public Sectors	67-107
Civil Servants	67-107
Federal	67-71
Quebec	72-88, 104
British Columbia	89-90
Newfoundland	91-94
Northwest Territories	95-97
Nova Scotia	98-99
Ontario	100-103
Yukon	105-106
Alberta	107
C. Emergency Legislation	108-114
Saskatchewan	108
Quebec	109-113
Federal	114
D. Construction Industry	115-119
Quebec	115-119
E. Fishing Industry	120-123
New Brunswick	120-123



## Contents

	<u>Paragraphs</u>
III. OCCUPATIONAL SAFETY AND HEALTH	124-153
Introduction	124
Alberta	125-126
Northwest Territories	127-129, 152
Manitoba	130-132, 142-143
Quebec	133-136, 140-141
Ontario	137-138, 149
Prince Edward Island	139
Federal	144-148
British Columbia	150-151
Nova Scotia	153
IV. WORKERS' COMPENSATION	154-177
Introduction	154
Coverage and Workers Advisors	155
Earnings Ceiling	156
Benefits to Dependents	157-163
Disability Benefits	164-175
Third Party Actions	176-177



## I. EMPLOYMENT STANDARDS

1. During the last 13 months, termination and lay off legislation was, without a doubt, the object of the most activity, especially by the federal legislator. Many provinces have amended their protection of wages legislation, thus following a trend toward the creation of more effective recourses for the recovery of unpaid wages. In addition, Manitoba has normalized the minimum conditions of work of domestic workers.

### Termination of Employment

2. At the federal level, the provisions of the Labour Adjustment Benefits Act amending the sections of the Canada Labour Code dealing with collective dismissals were proclaimed effective October 1, 1982. The Code now provides for a notice of termination period of at least 16 weeks where 50 employees or more are laid off during a period of four months or less. The employer must cooperate with the CEIC in order to facilitate the re-establishment in employment of redundant employees. To this end, he must establish a Joint Planning Committee responsible for the development of an adjustment program in order to minimize the impact of the termination and assist employees in obtaining other employment. The Code also provides for arbitration to assist the committee in the development of an adjustment program and to resolve any dispute concerning the program. There is, as well, provision for severance pay equal to two days' regular wages in respect of each completed year of continuous employment for employees who have been employed for 12 consecutive months or more.
3. A Designation Order under the Labour Adjustment Benefits Act has been adopted, designating specific industries in given regions that are undergoing in the opinion of the governor-in-council, significant economic adjustment of a non-cyclical nature. The Order has been amended twice since in order to add industries and regions to the list.
4. Still in the federal jurisdiction, an amendment to the Canada Labour Standards Regulations under the Canada Labour Code provides a more precise definition of the term "lay off". A lay off is not deemed to be a termination of employment where employees have recall rights under a collective agreement, and, in case of a recall, the back-to-work period shall not be shorter than two weeks in order to satisfy the re-employment requirements.
5. In the same order of things, Ontario has amended its Regulation 286 under the Employment Standards Act to provide that an employee who has been given proper notice of termination may be given temporary work during the 13-week period following the date of termination without requiring another notice to be given. Accordingly, temporary work is deemed to be included in the period of continuous employment.

6. Manitoba has adopted a regulation prescribing circumstances in which a layoff is not deemed to be a termination of employment. This is the case when:
- a) it is the custom or practice in an industry to layoff workers because of the seasonal nature of the industry, and to later recall them, if upon being hired it is understood that they will be laid off;
  - b) the length of the lay off does not exceed eight weeks during a continuous period of 16 weeks;
  - c) the length of the lay off exceeds eight weeks but the recall is made within the time specified by the minister; or
  - d) the length of the lay off exceeds eight weeks and
    - i) the employee continues to receive his wages or a payment in lieu and place in an amount agreed upon by him and his employer, or
    - ii) the employer continues to make payments to the benefit of the employee in a pension or insurance plan.
7. In Nova Scotia, since an amendment dated February 24, 1983 to the general regulations under the Labour Standards Code, persons engaged in the class of work referred to as "Unemployment Insurance Job Creation Program" pursuant to section 38 of the Unemployment Insurance Act, Statutes of Canada, 1971, or in any substantially similar program, are exempted from the application of the Code.

#### Minimum Wages

8. The four atlantic provinces have increased their hourly minimum wage rates for experienced adult workers. On October 1, 1982, the rates went up from \$3.35 to \$3.80 in New Brunswick, from \$3.30 to \$3.75 in Nova Scotia and from \$3.35 to \$3.75 in Prince Edward Island. Newfoundland raised its minimum wage rate from \$3.45 to \$3.75 on January 1, 1983.
9. The minimum wage has been increased in the Northwest Territories from \$3.50 to \$4.25 for experienced adult workers and from \$2.95 to \$3.75 for young workers and students, as of August 1, 1982.
10. The rate applicable to young workers and students in Prince Edward Island has gone from \$2.80 to \$3.00 per hour, whereas it has gone from \$3.00 to \$3.40 per hour in Nova Scotia, both on October 1, 1982.
11. In addition, the hourly rate for domestic workers aged 16 and over working in a private home in Newfoundland was increased from \$1.73 to \$2.25, effective January 1, 1983.

12. A regulation under the Construction Industry Wages Act of Manitoba, adopted in March 1982, was repealed and replaced, effective June 1, 1983. This regulation applies to employees of the heavy construction industry. It establishes the minimum rates of pay per category of employees according to the region where they are employed as well as the maximum hours of work.
13. A second regulation, adopted in June 1982, was also repealed and replaced on June 11, 1983. It provides hours of work and minimum wages for employees in the construction industry outside Greater Winnipeg not on major construction projects. The new regulation became effective June 1, 1983.
14. A third regulation, adopted in July 1982, provides an increase in the minimum wages, effective July 1, 1982, and another effective October 1, 1982, for the construction workers of the Greater Winnipeg region on major construction projects.
15. The latter was later amended to replace the increase in the minimum rate payable to workers in the roofing trade, effective October 1, 1982, by a more modest increase. This regulation was repealed and replaced, effective July 1, 1983, in order to establish a higher wage rate for these construction workers.

#### Protection of Wages

16. In the matter of protection of wages, Ontario has revised its Mechanics' Lien Act. These amendments feature two new trust obligations imposed on property owners. One trust is for all amounts received by an owner after substantial performance of the contract of improvement or construction is certified as provided for in the Act. The other is for property received by an owner for the sale of a premises in the event he does not pay for the improvements or construction. The Act provides for two holdback funds as well, on which to exercise a lien. The first, or basic holdback, relates to the period prior to the time the contract is certified as substantially performed. The second, or holdback for finishing work, relates to the period between the time a contract is substantially performed and the time it is totally completed; this provision will permit early release of the basic holdback. The amount of each holdback required to be retained by the payer on a contract or a sub-contract is reduced from 15% to 10% of the price of services or materials as they are supplied. These monies are to be retained until the limitation period has expired, or until all liens have been satisfied, discharged or provided for under section 44 (payment into court).
17. Nova Scotia has amended its Mechanics' Lien Act in order to permit third party proceedings in a mechanics' lien action.
18. Prince Edward Island is amending its Mechanics' Lien Act as well, to include the Crown and Crown agencies and corporations in the meaning of "owner" thus rendering the Act applicable to the Crown. It will also be amended in order to create a lien in favour of a person who rents equipment for use on a contract site.



19. Manitoba is reviewing its Payment of Wages Act. The definition of employee is being expanded to include domestic workers and professionals in the application of the Act.
20. In addition, the Bill provides that wages due to an employee are deemed to be held in trust for the employee. Consequently, in cases of bankruptcy and insolvency, given the incidence of section 47(a) of the Bankruptcy Act (Statutes of Canada), and perhaps in other cases where the legislation gives precedence to trust funds, the trust fund is not considered to be part of the insolvent employer's property and therefore, it cannot be distributed in the settlement of other creditor's claims.
21. The Bill also creates a lien and charge for wages, a provision that is carefully worded in order for it to have priority over every assignment, including an assignment of book debts, every debenture, every mortgage of real or personal property whether absolute or otherwise, every contract, account receivable, insurance claim or proceeds from a sale of goods and every purchase money security interest in real or personal property. The amount of wages due, not exceeding \$3,500, constitutes a lien and charge that should have first priority in all types of business failures.
22. This double protection assures that unpaid wages will be paid before all other claims in virtually all cases of employer default.
23. Other amendments deal with filing procedures of the director of employment standards' order for payment in the County Court, of the certificate of judgment or of a caveat (a note to the register alleging that an employee may have an interest in the employer's land) in the Land Titles Office. The failure to file the certificate of judgment or the caveat does not, however, affect the validity of the lien and charge. Finally, the provisions dealing with the "Payment of Wages Fund", from which the director may pay the claims of unpaid employees and become subrogated to the rights of the reimbursed employees, are being expanded. This Bill has received 2nd reading on July 13, 1983.
24. New Brunswick has amended its Vacation Pay Act. This amendment authorizes the Minister to pay to an employee who is entitled to vacation pay under the Act an amount equal to the vacation pay to which he is entitled. Upon such payment, the Crown is subrogated to the rights of the employee and may enforce the payment against the employer.

#### Conditions of Work - Domestic Workers

25. In Manitoba, domestic workers employed in a private home for more than 24 hours in a week and their employers now fall under the application of the Vacation with Pay Act and the Employment Standards Act's provisions dealing with minimum wages, maternity leave and notice of termination of employment.

26. Manitoba has also adopted a Regulation under the Employment Standards Act which stipulates:

- that a domestic worker will be deemed to work not more than 12 hours in a day, of which hours exceeding eight are paid at the overtime rate;
- that work must not be expected or performed during time off for eating, sleeping or during time given for personal or private matters;
- that a domestic must be given at least 36 consecutive hours of free time each week;
- that an employer may not charge a domestic worker for any special clothing or uniform required to be worn;
- that the maximum charge for room and board shall not exceed \$40 per week, or \$20 for room only. The maximum charge per meal is \$1.25, up to \$20 per week for meals only.

#### Canada Day

27. The federal government has adopted, but to this day not proclaimed, Bill C-201, An Act to Amend the Holidays Act. This amendment will change the name of the July 1 statutory holiday from Dominion Day to Canada Day.
28. In addition, the Senate has adopted a complementary Bill, that has not yet gone through the House of Commons, which would change the name of Dominion Day to Canada Day as it is listed in the Interpretation Act, the Bills of Exchange Act, the Canada Labour Code, and in any other Act of Parliament rule, order, regulation, by-law or proclamation made or issued.

#### Garnishment and Attachment

29. Also in the federal jurisdiction, the Garnishment, Attachment and Pension Diversion Act was adopted and partly proclaimed in force. This Act provides that designated departments and Crown corporations are bound by provincial garnishment law. Salaries and remuneration (honoraria and other payments) in respect of any office or position or the performance of any services may be the object of garnishment proceedings initiated by the creditors of such employees. No monies can be garnisheed, however, before a creditor has obtained a judgment or order of the Court against his debtor. Similarly, a financial support order requiring a person to pay an amount to a spouse, former spouse, child or other person can be executed by way of an application to the Minister for the diversion of a pension benefit payable to the recipient. Part I of the Act, dealing with garnishment and attachment proceedings has come into force on March 11, 1983.

30. Garnishment and Attachment Regulations under that Act were adopted. These regulations:
- a) set out the information to be contained in a Notice of Intention to Garnishee;
  - b) list the places where service of documents must be effected;
  - c) deem, for the purposes of the definition of "salary" in section 4 of the Act, the amounts to be or to have been excluded from a person's salary; and
  - d) prescribe Crown corporations for the purpose of Division I of Part I and subsection 14(2) of the Act.
31. Newfoundland has adopted an Act to Amend the Attachment of Wages Act. This amendment permits the Lieutenant Governor in Council, by order, to increase the amount of a person's wages exempt from attachment or execution.

#### Labour Standards Tribunal

32. In Newfoundland, the Labour Standards Act has been amended to provide that where the Labour Standards Tribunal becomes seized of a matter and the period of service of its members expires before a decision is rendered, the Tribunal nevertheless remains seized of the matter until it renders its decision.

#### Lie Detector Tests

33. An Act to Amend the Employment Standards Act has been introduced in Ontario. The purpose of this Bill is to prohibit lie detector tests as a personnel screening device. The prohibition applies to all employers and prospective employers, including police forces, trade unions, partnerships and other unincorporated organizations. Under the proposed Part XI-A, as set out in section 2 of the Bill, complaints may be dealt with by an employment standards officer.

#### Meal Breaks

34. In the Northwest Territories, regulations respecting meal breaks under the Labour Standards Ordinance have been adopted. By virtue of these regulations, employees are entitled to a meal break of at least 30 minutes after each period of five continuous hours of work. An employee taking a meal break shall not work during the break. A Labour Standards Officer may exempt, by written waiver, any employer or employee from the operation of these regulations.

Adoption Leaves - Unemployment Insurance Benefits

35. The federal government has adopted an amendment to the Unemployment Insurance Act in order to, among other things, eliminate rules considered discriminatory to pregnant women and extend benefits to a parent who takes time off work after adopting a child. Such a parent will be entitled to the same benefits as a natural mother - a maximum of 15 weeks unemployment insurance during the adoption leave. This amendment is to come into force at a date fixed by proclamation.

MINIMUM WAGE RATES  
FOR EXPERIENCED ADULT WORKERS AND YOUNG WORKERS AND STUDENTS

Jurisdiction	Experienced Adult Workers	Effective Date	Young Workers and Students*	Effective Date
Federal	\$3.50	01/05/81	Employees under 17: \$3.25	01/05/81
Alberta	\$3.80	01/05/81	Employees under 18 not attending school: \$3.65	01/05/81
			Employees under 18 attending school: \$3.30	01/05/81
British Columbia	\$3.65	01/12/80	Employees 17 and under \$3.00	01/12/80
Manitoba	\$4.00	01/07/82	Employees under 18: \$3.55	01/07/82
New Brunswick	\$3.80	01/10/82		
Newfoundland <sup>1</sup>	\$3.75	01/01/83		
Nova Scotia	\$3.75	01/10/82	Underage employees 14 to 18: \$3.40	01/10/82
Ontario	\$3.50	01/10/81	Students under 18 employed for not more than 28 hours in a week or during a school holiday: \$2.65	01/10/81
Prince Edward Island	\$3.75	01/10/82	Employees under 18: \$3.00	01/10/82
Québec	\$4.00	01/10/81	Employees under 18: \$3.54	01/10/81

\*New Brunswick, Newfoundland, Saskatchewan and the Yukon Territory have no special rates for young workers or students.

<sup>1</sup>Sixteen years of age and over.



Jurisdiction	Experienced Adult Workers	Effective Date	Young Workers and Students*	Effective Date
Saskatchewan	\$4.25	01/01/82		
Northwest Territories	\$4.25	01/08/82	Employees under 17: \$3.75	01/08/82
Yukon <sup>1</sup>	\$3.60	01/05/81		

---

<sup>1</sup>Federal rate plus ten cents.

MINIMUM WAGE RATES  
FOR OTHER CATEGORIES OF EMPLOYEES

Jurisdiction	Rates & Categories	Effective Date
Alberta	Various categories of salespersons: \$150 a week	01/05/81
British Columbia	Live-in homemakers, domestics, farm workers or horticultural workers paid wages other than on an hourly or piece work basis: \$29.20 a day or part of a day worked	14/03/81
	Resident caretakers in apartment buildings of 8 to 60 units: \$219/month plus \$8.76/unit	01/12/80
	Buildings of more than 60 units: \$744/month	01/12/80
Manitoba	Employees serving alcoholic beverages in licensed establishments: \$4.00	01/07/82
Newfoundland	Domestics employed in a private home (16 and over): \$2.25	01/01/83
Ontario	Employees serving alcoholic beverages in licensed establishments: \$3.00	01/10/81
	Construction workers: \$3.75	01/10/81
	Domestic employees* (cooks, housekeepers, nannies) who work more than 24 hours a week: \$24 a day \$132 a week \$568 a month \$3.00 an hour	01/10/81

\*Does not apply to baby sitters or companions.

Jurisdiction	Rates & Categories	Effective Date
Québec	Employees in hotels, restaurants, campgrounds, trailer parks or enterprises who sell, deliver or serve meals to be consumed off the premises or who serve liquor:	
	18 and over: \$3.28	01/10/81
	Under 18: \$2.95	01/10/81
	Domestic workers residing at the employer's residence:	
	\$134 a week	01/10/81
	Domestics who do not reside at the employer's residence and agricultural workers:	
	18 and over: \$4.00	01/10/81
	Under 18: \$3.65	01/04/81

June 1, 1983.

## II. INDUSTRIAL RELATIONS

### A. Legislation of General Application

36. On June 17, 1982, New Brunswick passed An Act to amend the Industrial Relations Act which revises the collective bargaining legislation in several aspects.
37. Where an application for certification has been made, an employee who is excluded from the application of the Act because he performs management duties or because he is employed in a confidential position concerning labour relations is nonetheless protected from employer reprisals if he has engaged in certain union activities before being excluded.
38. Where there is an alleged violation of the Act concerning the alteration of the terms or conditions of employment during collective bargaining, the dispute may be referred to arbitration. A new provision now permits either party to have the dispute submitted to the Industrial Relations Board if it has not already been sent to arbitration.
39. Finally, the legislation provides that in circumstances where a strike has not followed the required 24-hour notice period and where the employer requests an additional strike notice of up to 24 hours in order to effect an orderly shut-down of his operations, the union must give the additional notice before a strike may commence. If a strike does not occur within six hours after the notice period has elapsed, no employee may strike until a further similar notice is given.
40. These provisions became effective July 31, 1982.
41. In Manitoba, An Act to amend the Labour Relations Act was adopted. The Act came into force on June 30, 1982 except for provisions dealing with the referral of a dispute on first negotiations to the Labour Board which are deemed to have taken effect on February 25, 1982.

### Restrictions on Changes of Conditions After Termination of Collective Agreement

42. Where a collective agreement for a unit of employees has terminated, if, within 6 months after that date, the employer, without the written consent of the bargaining agent for those employees and not in accordance with a collective agreement affecting them, decreases or increases the rate of wages of any employee in the unit or alters any other term or condition of employment in effect at the time the collective agreement terminated, the employer commits an unfair labour practice unless (1) the certification of the bargaining agent is revoked or the bargaining rights are

terminated; or (2) within that period the employees in the unit have gone on strike; or (3) within that period a lockout of the employees in the unit has occurred.

Remedies for Unfair Labour Practices

43. The powers of the Labour Board to deal with unfair labour practices have been broadened and clarified.

Further Restriction on Applications for Certification

44. Where the terms and conditions of a collective agreement affecting employees in a unit have been settled by the board in the case of a first collective agreement, as provided in the Act, no application for certification as bargaining agent for employees in the unit may be made by a union during the term of that collective agreement. The same applies to applications for decertification.

Referral of dispute on first negotiations to Labour Board

45. The minister may, on the written request of either party and after such investigation as deemed advisable direct the board to inquire into the matter of the negotiations and, if it considers it advisable, to settle terms and conditions of a first collective agreement between the parties. This applies in the following circumstances:
- (1) where notice to bargain has been given after March 31, 1981 and an employer or a bargaining agent for a unit is required to commence collective bargaining with a view to the conclusion of a first collective agreement;
  - (2) where no such collective agreement has been concluded; and
  - (3) where a period of 90 days after the certification of the bargaining agent, and any period of extension that may be ordered in respect of the bargaining agent and the employer, under the Act, have expired.
46. Where the minister directs the board to inquire into negotiations between an employer and the bargaining agent for a unit, it will conduct an inquiry into the matter and, if it considers it advisable to do so, it will proceed to settle terms and conditions of a first collective agreement between the parties.
47. Unless, within 60 days after the minister gives the direction, the parties conclude a collective agreement affecting the employees in the unit, the board will, within those 60 days, either
- (1) settle terms and conditions of a first collective agreement between the parties; or



- (2) advise the minister and the parties, in writing, that it believes that a settlement will be arrived at between the parties within the next 30 days and that, therefor, it does not consider it advisable to settle the terms and conditions of the first agreement.

48. Where the board has advised the minister that a settlement will be arrived at between the parties within 30 days, and no such agreement is entered into, it will proceed to settle the terms and conditions of the first agreement between the parties within a further period of 30 days.
49. Where the board considers it advisable to settle terms and conditions of a first collective agreement between the parties and a strike or lockout of employees in the unit is in progress, it will forthwith notify the parties in writing that it intends to proceed to settle terms and conditions of a first collective agreement and thereupon the employees must immediately terminate any strike in progress and the employer must terminate without delay any lockout in progress and must reinstate the employees in the unit in the employment they had at the time the strike or lockout commenced.

#### Procedure on Settling Terms and Conditions

50. In settling the terms and conditions of a first collective agreement, the board will accept, without amendment, any terms and conditions agreed upon in writing by the parties and will give them an opportunity to present evidence and make representations. In doing so, it may take into account:
  - (1) the extent to which the parties have, or have not, bargained in good faith with a view to the conclusion of a first collective agreement between them;
  - (2) the terms and conditions of employment, if any, negotiated through collective bargaining for employees performing the same or similar functions in the same or similar circumstances as the employees in the unit; and
  - (3) such other matters as the board considers will assist it in arriving at terms and conditions of a first collective agreement that are fair and reasonable in the circumstances.

#### Term of First Agreement

51. Where terms and conditions of a first collective agreement are settled by the board, the agreement is effective for a period of one year from the date of settlement and is binding on the parties and on the employees in the unit as though it were a collective agreement voluntarily entered into, except to the extent that those terms and conditions may be amended by the parties by subsequent agreement in writing.

52. On August 4, 1982, British Columbia brought into force the Labour Code Amendment Act, 1982.

Definition of "Professional Strike Breaker"

53. The definition of "professional strike breaker" has been amended to cover lockout situations. It therefore now includes a person who is not involved in a dispute and whose primary object, in the board's opinion, is to prevent, interfere with or break up a lawful strike or to assist an employer in a lockout.

Action for Damages

54. On application for consent to commence proceedings to recover damages caused by an alleged illegal strike, lockout or picketing, the Labour Relations Board is now required to give its consent where it determines that there has been a contravention of the pertinent provisions of the Act unless the person against whom damages are sought satisfies the board that it is inappropriate to do so.

Picketing

55. Under the Code, a trade union, a member or members of which are lawfully on strike or locked out, or a person authorized by the trade union, may picket at or near the place of business, operations or employment of an ally of the employer. However, following an amendment to this provision, this does not apply until the board has first determined that the person to be picketed is an ally in respect of whom picketing should be allowed.
56. In addition, a provision of the Code has been revised to restrict picketing at a common site to an ally of an employer in respect of whom there is a lockout or lawful strike. A common site is a place where two or more persons carry on business, operations or employment.
57. In Ontario, Bill 62, An Act to amend the Labour Relations Act received royal assent on June 21, 1983.
58. The Bill prohibits any person, employer, employers' organization or person acting on behalf of an employer or employers' organization from engaging in strike-related misconduct or hiring professional strike breakers or acting as such. The legislation came into force on the day it was assented to.
59. In Alberta, the Labour Statutes Amendment Act, 1983 received royal assent on June 6, 1983. The Act includes various amendments to the Labour Relations Act (L.R.A.). Some of these amendments relate to collective bargaining. They stipulate that only one strike or lockout vote may take place with respect to a dispute.

Also, in the case where a disputes inquiry board is appointed by the Minister of Labour, unless a party to the dispute notifies the Labour Relations Board of its acceptance of the recommendations of the disputes inquiry board within ten days after being served with a copy of them by the Minister, the Board will supervise a vote on the acceptance or rejection of the recommendations by the employees or employers affected by the dispute who are represented by that party. A L.R.A. provision dealing with successor employers is also changed to clarify the Board's powers regarding the status of the bargaining agent, a collective agreement and proceedings under the legislation.

60. Another amendment to the L.R.A. provides that, upon a complaint and after an inquiry by the Board, a failure to comply with any provision of the Act constitutes an unfair labour practice for which the Board has remedial powers. In addition, the law places firemen's industrial relations under the L.R.A. and requires that impasses in their negotiations - as well as those of some hospital workers - be resolved by binding arbitration.
61. The law amends the Public Service Employee Relations Act (P.S.E.R.A.) to: define more precisely managerial and confidential exclusions; govern the granting of injunctions; provide for fines against unions causing strikes prohibited by the P.S.E.R.A.; and to remove most Liquor Control Board employees from the coverage of the P.S.E.R.A.
62. These amendments also specify criteria, including any relevant fiscal policies of the Government declared in writing by the Provincial Treasurer, to be considered in compulsory interest arbitration cases under the L.R.A. or the P.S.E.R.A. Furthermore, the Act permits the employer to suspend check-off practices for up to six months when the Board declares that a strike has occurred contrary to the compulsory arbitration procedures of either labour statute.
63. This Act will come into force upon proclamation.
64. On June 17, 1983, Saskatchewan enacted the Trade Union Amendment Act, 1983 which took effect on July 15, 1983.
65. The most significant amendments to the Act include:
  - expanding the ability of the Labour Relations Board to consider managerial exclusions;
  - prescribing a waiting period of six months from the date of the dismissal of an application for certification, when the application is made by the same trade union in respect of the same or a substantially similar unit of employees (unless the Board abridges that period);

- removing the obligation for the Board to hold a representation vote upon an application for certification when there is no order determining a union and the support requirement of 25% or more employees is fulfilled;
- specifying that, as long as there is no intimidation, threat or other undue influence, an employer may communicate with his employees who exercise a right conferred by the Act;
- providing a broader definition of who may vote in a strike vote;
- making it an unfair labour practice for an employee, trade union or other person to use coercion or intimidation of any kind against an employee with a view to discouraging activity which might lead to decertification;
- requiring a 48 hours written strike or lockout notice;
- allowing the Board to consider an application from the employer, trade union or affected employees for the supervision, conduct or scrutinizing of a strike or ratification vote by the Board itself or a person it appoints;
- increasing the fines provided for an unfair labour practice, a contravention of the Act or a failure to comply with an order of the Board and making these penalties applicable to a trade union (formerly, they were only applicable to individuals within a union);
- providing a duty of fair representation for the union on behalf of the employees in the bargaining unit;
- making it possible for a trade union to sue or be sued for the purposes of the Act;
- preventing the loss of membership in a trade union when it is a condition of employment and the loss is based on the fact that the employee has engaged in activity against the union (a fine may be imposed on a union member who has worked for the struck employer during a legal strike but may not exceed the net earnings gained during that strike);
- providing for the application of the principles of natural justice in disputes between employees and trade unions relating to matters of membership or discipline under the union's constitution;
- requiring that reasonable notice of union meetings be given to an employee entitled to attend;
- prohibiting a strike or lockout during the term of a collective agreement, and



- permitting the trade union, the employer or employees involved, who are in sufficient numbers, to apply to the Board so that a vote be conducted among the striking employees on the employer's final offer when a strike has continued for 30 days; this vote is held at the discretion of the Board and may be ordered only once for the same strike.

#### CALURA

66. In the federal jurisdiction, An Act to amend the Corporations and Labour Unions Returns Act (CALURA), which was assented to July 10, 1981, came into force on July 4, 1983. Among other things, it amends certain provisions of Part II of CALURA. The period of time after the end of a reporting period within which a trade union must file the return required by the Act is reduced to 90 days from six months, the application of the Act is broadened to include independent local unions, and international unions operating in Canada are required to report separately expenditures directly related to their Canadian operations. A separate financial statement for each special fund maintained by a union to which the Act applies is also required.

#### B. Public and Parapublic Sectors

67. In the federal jurisdiction, the Public Sector Compensation Restraint Act (Bill C-124) was assented to August 4, 1982. It is intended to limit increases in compensation paid to employees in the federal public sector. Generally speaking, during the first phase of the control period, which lasts 12 months, salary increases are limited, in the case of a collective agreement or arbitral award, to 6 per cent and in any other case to a maximum of 6 per cent. In the following phase, which is also of 12 months duration, increases are limited, in the case of a collective agreement or arbitral award to 5 per cent and, in all other cases to a maximum of 5 per cent.
68. The compensation control scheme enacted by the Act applies to federal public servants, to persons employed by federal boards, commissions or Crown corporations, the Canadian forces, the Royal Canadian Mounted Police, as well as the Senate and the House of Commons including members of the Senate and the House of Commons. Also covered by the legislation are employees of Canadian Pacific Limited and its subsidiaries who are employed in the operation of a railway and to the employees of other railway companies.
69. The federal government has also passed two acts amending the Supplementary Retirement Benefits Act. The pension plans covered by the provisions of this Act include those which apply to retired members of the Senate and House of Commons as well as to retired federal public servants.



70. An Act to amend the Supplementary Retirement Benefits Act (Bill C-120) was enacted on June 22, 1982. It limits the supplementary retirement benefits payable to recipients who retire in 1982 or later, for the first year for which benefits are payable, to a pro-rated amount based on the number of complete months remaining in the retirement year after the date of retirement.
71. On January 31, 1983, an Act to amend the Supplementary Retirement Benefits Act (No. 2) (Bill C-133) was adopted. Its purpose is to fix the Benefit Index increases for 1983 and 1984 at 6.5 and 5.5 per cent, respectively. The increase in the Benefit Index determines the supplementary retirement benefit payable each year.
72. On June 23, 1982, Quebec has adopted An Act to amend various legislation respecting pension plans (Bill 68).
73. The main object of the Act is to reduce expenditures relating to pension schemes in the public and parapublic sectors, namely, the teachers pension plan, the civil service superannuation plan and the government and public employees retirement plan.
74. It provides equal sharing of the cost of the schemes between employers and employees and the indexing of pensions by the excess over 3 per cent of the Consumer Price Index within the meaning of the Quebec Pension Plan. Further, pensions are now indexed, on January 1 following retirement, proportionately to the number of days for which the pension was paid in the calendar year of retirement in relation to the number of days in that same calendar year.
75. The amendments apply:
  - (1) from July 1, 1982, for the equal sharing of costs between employees and employers;
  - (2) from January 1, 1983, for the annual indexing of pensions by the excess over 3 per cent, although this indexing is to apply only to that portion of the pension acquired after June 30, 1982; and
  - (3) from January 1, 1983, for the proportional indexing of pensions, but only for those pensions becoming payable after June 30, 1982.
76. Quebec has also adopted three other laws relating to conditions of employment in the public and parapublic sectors.
77. The first of these laws is the Act respecting remuneration in the public sector which was assented to June 23, 1982 as Bill 70. It provides, failing agreement, what remuneration is to be paid to the employees of the public sector during the three-month period

following the date set for the expiry of the collective agreements. Moreover, it limits, for 1983, all advancements of echelon or salary based on experience or productivity subject to agreements between the parties. In other respects, the conditions of employment are maintained until new collective agreements are made (this provision was later repealed by the Act respecting the conditions of employment in the public sector). Finally, the Act allows the Government to take the repercussions of this legislation into consideration in determining the grants or subsidies that it pays to the bodies and agencies concerned.

78. An Act to amend the Labour Code, the Code of Civil Procedure and other legislation (Bill 72) was also assented to on June 23, 1982. The object of the Act is to assure the maintenance of essential services when employees in the health sector, the social services sector and certain public services exercise their right to strike.
79. To accomplish this goal an essential services council is created composed of a chairman, two members appointed after consultation with labour, two members appointed after consultation with management and three members representing the public.
80. According to the Act, essential services must be maintained at all times in establishments which provide health services or social services. As regards public services, the Government itself orders essential services maintained in the event of a strike where it believes that a strike in a service is likely to endanger the public health or safety.
81. Where essential services have to be maintained, the parties concerned are required to come to an agreement on such services. The parties may have recourse to the assistance of the council in negotiating the agreement. In the event that the parties are unable to come to an agreement, the union must establish a list of the services which it intends to provide.
82. The adequacy of the services provided for in an agreement or list is evaluated by the council which is empowered to suggest changes. The council also evaluates the essential services actually maintained during a strike.
83. When the services provided for in an agreement or list are considered to be insufficient or are not made available, the council makes a report to that effect to the Minister and informs the public of the situation.
84. The government has the power to suspend the right to strike in an establishment or in a public service where essential services must be maintained if the services are not sufficiently provided and where this endangers public health or safety. The suspension is lifted only when the government is satisfied that in the event of a strike, essential services will be adequately maintained.

85. The Act prohibits lockouts in establishments and public services which are obliged to maintain essential services. It increases the penalties for illegal strikes and lockouts and creates new offenses concerning the impairment of the action of the council or the contravention of an agreement or list.
86. Finally, the Code of Civil Procedure and the Act respecting the class action are amended to facilitate access to that type of proceeding.
87. The provisions of the Act relating to public services came into force in two stages, on August 3, 1982 and December 1, 1982. As for those which apply to establishments which provide health services or social services, they are awaiting proclamation.
88. Finally, introduced as Bill 105, An Act respecting the conditions of employment in the public sector was assented to December 11, 1982. The Act determines the conditions of employment applicable to employees in the public sector until December 31, 1985. It also applies to maintenance employees of the Commission de transport de la Communauté urbaine de Montréal (until January 11, 1984) and to persons employed in stores and offices of the Société des alcools du Québec (until December 31, 1984). In addition, it allows for an adjustment of salary or wages for certain public sector employees for the period from January 1, 1983 to April 1, 1983 and for certain university employees and certain employees of the sector of subsidized private education for an equivalent period.
89. In British Columbia, following the adoption of the Compensation Stabilization Act on June 25, 1982, regulations were issued and made retroactive to February 18, 1982.
90. They contain compensation stabilization guidelines applicable to the public sector. They specify how those guidelines are to be applied including the commencement of the regulation period. For the first regulation period of 12 months, the suggested maximum increase is 6 per cent with maximum variations of plus 4 per cent or minus 6 per cent depending on compensation experience for the group concerned and special circumstances as defined. For the second regulation period, which is normally of the same length, the suggested maximum rate is 5 per cent with maximum variations of plus 4 per cent or minus 5 per cent depending on the level of inflation, the compensation experience and special circumstances. There is no increase for the senior management group.
91. In Newfoundland, An Act to amend the Public Service (Collective Bargaining) Act, 1973 received royal assent on May 31, 1983. This Act: specifies the groups of workers - primarily those in managerial or confidential positions - deemed not to be employees under the Act; provides that a person does not cease to be an employee only by reason of not working because of a strike or

lockout or of a dismissal contrary to the Act; and changes the method of designating essential employees and prohibits the taking of a strike vote or a strike until the designation process is completed. This legislation also permits the Minister to: appoint a mediator to assist the parties involved in collective bargaining; and to defer a request to appoint a conciliation board and appoint instead a conciliation officer or mediator.

92. The amendments: require the bargaining agent - where a majority of employees in the bargaining unit have voted in favour of a strike - to give written notice of the date on which the strike is to take place; provide that where a strike notice has been given but the employees do not strike on the date given in the notice, no strike may take place for a month from the date given in the notice and then only if a new notice of strike is first given; and prohibit rotating strikes in health care institutions.
93. This Act: permits an arbitration board to review and substitute a penalty against a worker discharged or disciplined by an employer; provides for the inclusion of the successor rights provisions of the Labour Relations Act (1977) in the Public Service (Collective Bargaining) Act (1973); and provides that section 9 of the general act - which deals with the operation of labour board panels - applies to the existing public sector collective bargaining Act.
94. This Act will come into force on a date fixed by proclamation.
95. The Public Sector Compensation Restraint Ordinance received royal assent in the Northwest Territories on November 25, 1982. This Ordinance limits the increases in the compensation of territorial public servants to 6 per cent of the wage base in the first year - generally the period beginning December 1, 1982 - and to 5 per cent for the subsequent 12 months.
96. In the Northwest Territories, an Ordinance to amend the Public Service Ordinance came into force on June 1, 1983. This Ordinance specifies more precisely the range of restricted political activities for territorial public servants and for teachers covered by the Education Ordinance. It also empowers the Commissioner to establish a class of designated employees whose political activities would be subject to additional limitations.
97. A regulation to amend the Public Service Regulations was issued by the territories on June 24, 1983. In this regulation the Commissioner specifies the categories of managerial and confidential personnel who are subject to additional limitations on their political activities under section 33 of the Public Service Ordinance.



98. In Nova Scotia, an Act to amend the Civil Service Collective Bargaining Act received royal assent on June 1, 1983. This Act provides for additional arbitral terms and conditions of employment, namely: pay procedures on promotion, demotion, reclassification and increments; conditions of education or sabbatical leave; duration of collective agreements; and interpretations and definitions of words or expressions used in the collective agreement and not defined by the collective agreement or an applicable enactment.
99. The Public Sector Compensation Act also received royal assent in Nova Scotia on June 1, 1983. This Act generally limits increases in the compensation of public sector employees to 6 per cent during a compensation year. Vacations, holidays, sick leave, sabbatical leave, and pension benefits are examples of the forms of compensation regulated by this law. The legislation covers various groups of public sector employees, including: provincial civil servants; employees of crown corporations; municipal employees; teachers; university employees; and hospital workers. The Bill defines "compensation year" as the one year period immediately following the date, after September 15, 1982, a compensation plan or collective agreement expires but for this Act.
100. In Ontario, the Inflation Restraint Act, 1982, received royal assent on December 16, 1982. The Act limits most public sector compensation increases to 5 per cent for a one-year period - generally the 12 months following the expiry of an existing compensation plan during the control year beginning October 1, 1982. The public sector is broadly defined to include the provincial public service, municipalities, universities and colleges, school boards, hospitals, and certain private companies and charitable organizations which provide public services to, or are funded by, the province.
101. The legislation provides for the review of increases in administered prices, which are prices that are charged or regulated by the provincial government, during the period ending on or about January 1, 1984 and grants the Lieutenant Governor in Council the power to disallow or alter such increases as it deems appropriate.
102. The Inflation Restraint Board, established by the Act, can issue binding orders to restrain public sector compensation increases. The Board performs an investigative and advisory function in certain cases involving administered prices. The Board also monitors and reports on private sector price and wage trends in Ontario.



103. In Ontario, on May 25, 1983 a regulation to amend a regulation under the Public Service Act was issued. This regulation provides for additional vacation credit, supplemental health and hospital care, maternity leave, long term income protection, and dental insurance entitlements.
104. An Act to abolish the compulsory retirement age in various public and parapublic pension plans received royal assent on December 16, 1982 in Quebec. The Act provides for a normal retirement age and it prescribes rules concerning the indexation of deferred benefits and specifies the terms governing the return to work by pensioners. The amendments also change the allowable commuted annual pension, permit the inclusion of certain lump sum payments in the calculation of pensions, and alter the minimum pension after ten years of service.
105. The Public Sector Compensation Restraint (Yukon) Act received royal assent in the Yukon Territory on December 9, 1982. This Act generally restrains increases in the rate of compensation of municipal employees, territorial public servants, and of teachers to 6 per cent of wage rates during the periods ending December 31, 1983, March 31, 1984 and August 31, 1984 respectively. Increases in compensation for each of these groups of employees are limited to 5 per cent in the subsequent 12-month periods.
106. The law also restricts increases in the indemnities of mayors and aldermen to 6 per cent during the period ending December 31, 1983 and to 5 per cent in the ensuing year. Similarly, increments in the legal aid fees of lawyers are restrained to 6 per cent in the period ending March 31, 1984 and to 5 per cent in the following year. Finally, the Act generally limits increases in public utility rates to 6 per cent in 1983 and to 5 per cent in 1984.
107. The Labour Statutes Amendment Act, 1983 received royal assent in Alberta on June 6, 1983. This Act - which modifies several public sector industrial relations statutes - is described in the section of this report dealing with collective bargaining legislation of general application.

#### C. Emergency Legislation

108. In Saskatchewan, the Cancer Foundation (Maintenance of Operations) Act was assented to August 20, 1982. This Act was intended to ensure the resumption of activities of the Saskatchewan Cancer Foundation. Work stoppages were prohibited and a period of eight days from the coming into force of the Act was granted to the parties to continue collective bargaining. If at the end of the period of eight days the parties had failed to agree, the dispute was to be settled by arbitration.
109. In Quebec, three back-to-work laws were adopted.

110. Bill 84, An Act to ensure the resumption of public transit service in the territory of the Communauté urbaine de Québec, received royal assent on November 6, 1982. The Act provided that the latest collective agreement entered into between the Commission de transport de la Communauté urbaine de Québec and the Syndicat des employés du transport public du Québec Métropolitain Inc. (C.S.N.) was renewed from November 7, 1982 and was binding on the parties until December 25, 1983. The collective agreement was, however, amended in order to render applicable the agreements signed by the parties in the course of the negotiations in view of its renewal and certain proposals tabled by the Commission before the conciliator as amended by the clauses provided in the Act which deal notably with wages. Any strike continuing after November 6, 1982 was deemed to be illegal for the purposes of the application of the Labour Code.
111. On February 17, 1983, the province enacted Bill 111, An Act to ensure the resumption of services in the schools and colleges in the public sector. The Act required teachers, who had illegally ceased to perform the duties attached to their functions, to return to work not later than February 17, 1983 and ordered all teachers to provide their usual services until the expiry of the collective agreement applicable to them. It also required the school boards and junior colleges to take the necessary measures to ensure the operation of their usual services. Likewise, the associations of teachers and the labour unions to which they are affiliated had to take the appropriate measures to induce the teachers to assume their obligations. This special legislation empowered the Government to make a simplified procedure for dismissal and hiring applicable in cases where the number of teachers who performed the duties attached to their functions was insufficient to allow appropriate services to be provided. Moreover, it rendered such a procedure applicable immediately to the dismissal of those who were hindering access to the schools or junior colleges.
112. Finally, the Act provided penalties in cases of inexecution of the obligations that it was imposing. These were in particular, in the case of an association of teachers, fines and, following the adoption of an order in Council, the temporary revocation of the deduction of union dues and, in the case of teachers, a reduction of salary, fines and, from a date determined by order in Council, loss of seniority (3 years per day or part of day during which the absence from work or cessation of ordinary activities continued). The teachers and their associations or organizations were deemed to have contravened the Act, unless they could prove the contrary, upon proof *prima facie* that the employees in question did not perform their duties.
113. On May 12, 1983, Quebec passed Bill 16, An Act to insure the resumption of public transit service in the territory of the Communauté urbaine de Montréal. This law, was intended to ensure the resumption of public transit service on the territory of the

Communauté urbaine de Montréal. It ordered the maintenance employees, who were employed by the Commission de transport de la Communauté urbaine de Montréal (Montreal Urban Community Transportation Commission) on May 10, 1983, to return to work as of 04:00 hours on May 13, 1983. From that time and until the expiry of the collective agreement in force, the employees are required to perform all the duties attached to their functions without stoppage, slow-down or reduction of their normal activities. Certain sanctions are provided for in cases of contravention including the reduction of salary and the imposition of fines. In addition, the Act renders the Act respecting the placing of certain labour unions under trusteeship applicable to the Syndicat du transport de Montréal (Employés des Services d'entretien) (C.S.N.).

114. In the federal jurisdiction, Bill C-137, the West Coast Ports Operations Act, 1982 was given royal assent on November 3, 1982. The Act was adopted because of a dispute involving longshoremen represented by the International Longshoremen's and Warehousemen's Union-Canadian Area and the British Columbia Maritime Employers Association. It provided for the resumption and continuation of longshoring and related operations at ports on the west coast. The application of the collective agreement was prolonged until a revised agreement extending at least to December 31, 1983 was entered into or until the Public Sector Compensation Restraint Act was made applicable to the parties by way of a proclamation, if this occurred first. Proclamation was not necessary since the parties arrived at an agreement.

#### D. Construction Industry

115. In Quebec, a decree has been adopted which prolongs, with amendments, the decree respecting the construction industry until April 30, 1984. The amendments deal notably with wage rates.
116. On September 15, 1982, Quebec has also issued the Regulation respecting placement of employees in the construction industry. The regulation, which regulates employment in the construction industry, has been revised. Changes include the creation of new rules of eligibility for a classification certificate, the holding of which entitles the holder to work in the construction industry. Certain rules respecting placement agencies have been modified.
117. The basic principles of the placement scheme, such as the necessity of holding a classification certificate and the division of the province into zones in which a construction worker may work according to his place of domicile, remain unchanged.
118. An Act to amend the Act respecting labour relations in the construction industry in Quebec received royal assent and came into force on June 20, 1983. The amendments require the Office de la construction du Québec to include a statement of all sums of money

it collects, and the employment of all such sums, in the financial reports it is required by law to submit. These changes also: determine the scope of the interpretations of the decree that are made by the Joint Committee on Construction, and of the decisions rendered by the construction industry commissioner; clarify the rules on the conciliation and arbitration of complaints; and simplify the procedure for the recovery of salary and wages where a business goes bankrupt or is liquidated, and make this procedure available where a judgment ordering payment of wages has been returned unsatisfied.

119. This Act also: updates certain provisions and prescriptions surrounding penal prosecutions or civil actions; expressly provides for a vote on union allegiance in the fall of 1983; and confirms that the existing Joint Committee on Construction was legally formed in 1982.

#### E. Fishing Industry

120. New Brunswick has passed the Fisheries Bargaining Act which was given royal assent on April 30, 1982.
121. The Act, which was proclaimed in part (ss. 94 to 118) on May 20, 1982 and on September 15, 1982 for the other sections, has as its purpose the creation of a collective bargaining system applicable to fishermen, their bargaining agents, and commercial buyers of fish. The structure of the system is very similar to that which is used in other sectors of the economy. For example, there exist a certification procedure and a process of bargaining, conciliation and mediation.
122. As a substitute for strikes and lockouts, the legislation provides that the parties may engage in boycotts, defined in the case of a fisherman or an organization of fishermen as the ban or restriction against the sale of fish by the fishermen or organization to a buyer or buyer's organization, or action by fishermen in combination or in concert or in accordance with a common understanding or other concerted activity on the part of fishermen to restrict or limit the supply of fish to a buyer or buyer's organization with a view to compelling or inducing the buyer or organization or to aid other fishermen to compel or induce a buyer or organization to agree to terms concerning the supply of fish.
123. In the case of a buyer or buyer's organization, "boycott" means the closing of the business of a buyer or the businesses of a buyer's organization or the refusal by a buyer or organization to buy fish from a fisherman or fishermen's organization in order to compel or induce (or aid to compel or induce) the fisherman or organization to agree to conditions concerning the supply of fish to a buyer or buyers' organization.



### III. OCCUPATIONAL SAFETY AND HEALTH

124. During the last 13 months, changes have been made to the occupational safety and health legislation of most jurisdictions.
125. Alberta has passed Bill 51, the Occupational Health and Safety Amendment Act, 1983 which became effective June 6, 1983 except for provisions dealing with notification of certain new industrial projects and the preparation by designated employers of written health and safety policies, which will come into force by way of proclamation.
126. A primary objective of the amendments is to ensure that it will be possible for the provisions of the Coal Mine Safety Act and the Quarries Regulations Act to become new regulations under the existing Occupational Health and Safety Act. The Bill allows employers to propose acceptable alternatives to specific requirements of the regulations; it addresses what actions follow from a refusal to work in conditions of imminent danger and provides for specific remedies in case of unfair disciplinary action or dismissal. In addition, employers and principal contractors (designated in regulations) are required to prepare and, if this is reasonably practicable, to inform their workers of their policy on occupational health and safety and the arrangements to implement that policy. The changes to the Act reduce the need for many detailed regulations through the production of codes of practice and other amendments clarify such items as: confidentiality of medical records, early notification of certain new industrial projects (as defined in regulations), worker awareness of their duties and responsibilities and rationalization of the reporting system for serious injuries and accidents.
127. In the Northwest Territories, two laws dealing with occupational safety and health were assented to on November 25, 1982.
128. The first of these laws is the Ordinance to Amend the Safety Ordinance. The amendment provides for the establishment of Joint Work Site Health and Safety Committees at the discretion of the Chief Safety Officer. It also incorporates into the Ordinance the right for a worker to refuse to work where he has reasonable grounds to believe that an unusual danger exists or is likely to exist. A worker exercising this right, in compliance with the legislation, is protected against dismissal or disciplinary action.
129. The second law is the Mining Safety Ordinance which will come into force by way of proclamation. It is a complete revision of the present Mining Safety Ordinance which it will replace. Among other things, it establishes a Mine Occupational Health and Safety Board which advises and make recommendations to the Executive Member of the Council of the Northwest Territories responsible for occupational health and safety in mines. It also provides for the



right of a worker to refuse to work where he has reason to believe that an unusual danger exists or is likely to exist and it gives protection against dismissal or disciplinary action for exercising this right in compliance with the legislation.

130. On November 1, 1982, Manitoba brought into force An Act to amend the Workplace Safety and Health Act.
131. By virtue of the amendment, the Act applies to certain categories of domestics employed in private homes, which were previously excluded.
132. A safety and health officer may apply to a judge of a county court for an order requiring the owner of any residential premises, in which the officer has reason to believe workers or self-employed workers are or were working, to permit him to enter the premises for the purposes of inspecting them.
133. In Quebec, certain sections of the Act respecting occupational health and safety were proclaimed into force.
134. Sections 58 to 61 and 198 to 203 of the Act came into force on May 26, 1982. They deal with prevention programmes implemented in establishments identified by regulation and construction sites occupying at least 10 workers simultaneously. The object of those programmes is to eliminate, at the source, risks to the health, safety and physical well-being of workers.
135. A regulation respecting prevention programmes was made under the Act. It establishes the categories of establishments where a prevention programme must be implemented, taking into account the responsibilities of any health and safety committee concerned. The minimum content of those prevention programmes as well as terms, conditions and time of their transmission to the Commission de la santé et de la sécurité du travail (Occupational Health and Safety Commission) are also specified for the establishments and construction sites described in the regulation.
136. Sections 52 and 112 to 126 of the Act respecting occupational health and safety came into force on December 1, 1982. Section 52 relates to a register, maintained by the employer, of risks connected with certain jobs, identifying, in particular, the contaminants and dangerous substances which are present and a register of the risks connected with the kind of work performed by each worker. The employer must put these registers at the disposal of the members of the health and safety committee and of the safety representative. The other sections deal with the appointment and functions of a physician in charge of health services in an establishment as well as his duty to prepare a specific health programme for that establishment. The programme must be submitted to the health and safety committee for approval.

137. In Ontario, three regulations have been issued to prescribe vinyl chloride, coke oven emissions and asbestos as designated substances under the Occupational Health and Safety Act. The regulations provide limits of exposure for workers and if for specified reasons, the maximum time-weighted average exposure of a worker to airborne vinyl chloride, coke oven emissions or asbestos cannot be complied with, the employer must provide respiratory equipment.
138. Every employer to whom the regulations apply must cause an assessment to be made of the exposure or likelihood of exposure in a work place of a worker to the inhalation, ingestion or absorption, as the case may be, of vinyl chloride, coke oven emissions or asbestos. If there is a likelihood of such exposure and if the health of the worker may be affected thereby, the employer must adopt measures and procedures to control the exposure and must incorporate the same into a vinyl chloride, coke oven emissions or asbestos control program.
139. Effective April 1, 1983, Prince Edward Island has adopted the Construction Safety Act Regulations. These comprehensive new regulations are in addition to the requirements of the Industrial Safety Regulations adopted under the Workers' Compensation Act. They are similar to what is found in other provinces and deal with safety in connection with such matters as construction machinery, equipment and work practices.
140. Also in the field of construction safety, Quebec has issued a Regulation amending the Safety code for the construction industry under the Act respecting occupational health and safety.
141. Effective May 14, 1983, the regulation specifies, among others, to whom the inspector must communicate the result of his inspection. It also prescribes time limits concerning notification of opening and closing of a construction site where less than 500 workers are employed at the same time; these notifications must be transmitted to the Commission de la santé et de la sécurité du travail (Occupational Health and Safety Commission) and an opening notice must notably indicate if the construction project presents a higher risk as defined in the regulation. Requirements are also laid down relating to training in construction safety for management and supervisory personnel principally and normally working on a construction site as well as workers who are employed on such a site after July 1, 1983.
142. In Manitoba, a Regulation respecting the forestry, logging and log hauling industry was adopted under the Workplace Safety and Health Act.
143. The new regulation requires the employer to give a notice to the Director of the Workplace Safety and Health Division before beginning logging work and each year thereafter. It contains provisions dealing with the proper instruction of workers in

safety matters and the responsibilities of both the employer and the employees. Requirements are also laid down concerning protective clothing and equipment, chain saws, hand tools and various work activities characteristic of the industry.

144. In the federal jurisdiction, amendments were made to three regulations made under the Canada Labour Code.
145. An amendment to the Canada Accident Investigation and Reporting Regulations requires employers to report, as soon as possible, all derailments of trains transporting a dangerous substance as defined in the Canada Dangerous Substances Regulations. It also provides for the preservation of an accident site where a train carrying a dangerous substance has derailed.
146. Another regulation, the Coal Mines (CBDC) Safety Regulations was also amended to provide, notably, more worker involvement in promoting the safe operation of the coal mines of Cape Breton Development Corporation.
147. Finally, following amendments to the Canada Motor Vehicle Operators Hours of Service Regulations, certain provisions which referred to the keeping of a daily log have been revoked and a requirement to keep daily records has been substituted. The new clauses specify what a daily record must indicate.
148. In addition to the above mentioned amendments, Operating Employees' Safety and Health Regulations were adopted under the National Transportation Act and the Railway Act. These comprehensive new regulations provide for the protection of the health and safety of railway employees engaged in the running and operating of trains. They are enforced by safety officers appointed by the Canadian Transport Commission.
149. In Ontario, effective June 1, 1983, a regulation was issued under the Occupational Health and Safety Act laying down requirements for head protective equipment used by fire fighters. The province has also published the Ontario Code for the Head Protection of Fire Fighters.
150. In British Columbia, the section of the Industrial Health and Safety Regulations that contains the requirements relating to firefighting has been revised as of October 19, 1982. It applies to employers and to workers employed in firefighting activities on a full or part-time basis including volunteer firefighting in municipal and private fire brigades covered by the compensation scheme provided in the Workers' Compensation Act.
151. Effective April 4, 1983, British Columbia also amended its Industrial First Aid Regulations incorporating into them requirements for first aid services, equipment and supplies in the farming industry.

152. In the Northwest Territories, the Safety Regulations adopted under the Safety Ordinance have been amended to require an employer to report, immediately, fatal accidents to his employees occurring at the place of employment, and, within 24 hours, those accidents involving any of them which are of a serious nature.
153. In Nova Scotia, the Industrial Safety Regulations under the Industrial Safety Act were amended to incorporate new requirements on the handling of explosives and the certification of blasters. Similar changes were made to the Construction Safety Regulations under the Construction Safety Act.

#### IV. WORKERS' COMPENSATION

154. During the period covered by this report, most jurisdictions have amended their workers' compensation legislation.

##### Coverage and Workers Advisors

155. In Manitoba, An Act to amend the Workers' Compensation Act was assented to June 30, 1982. The Act has extended the coverage of the compensation scheme to persons employed in domestic service for more than 24 hours a week by the same employer. Also, the provisions of the Act dealing with workers advisors were replaced. The new clauses provide for the appointment of workers advisors and other employees necessary to enable them to carry out their duties; those duties are enumerated in the legislation. On the written authorization of a claimant, it is possible for workers advisors to have access to relevant medical reports submitted to the Workers' Compensation Board as well as to the complete file concerning the claim when the Board is requested to reconsider any matter respecting compensation.

##### Earnings Ceiling

156. The maximum insurable earnings have been increased in many jurisdictions as follows:

<u>Jurisdiction</u>	<u>Annual Maximum Wage Rate</u>	<u>Date of Coming Into Force</u>
British Columbia	from \$24 700 to \$26 182	01/01/83
Manitoba	from \$23 000 to \$25 000	01/01/83
New Brunswick	from \$23 200 to \$25 700	01/01/83
Newfoundland	from \$21 000 to \$45 500	01/01/83
Ontario	from \$22 200 to \$24 200	01/07/82
	from \$24 200 to \$25 500	01/07/83
Prince Edward Island	from \$16 000 to \$17 000	01/01/83
Quebec	from \$26 000 to \$29 000	01/01/83
Saskatchewan	from \$26 000 to \$29 000	01/01/83
Yukon Territory	from \$24 000 to \$25 000	01/01/83

##### Benefits to Dependants

157. Newfoundland has passed the Workers' Compensation Order, 1983 under the Workers' Compensation Act.
158. The order has raised the monthly payment received by dependants of a deceased worker when the injury occurred before 1982 (under the compensation system that existed at that time) or in 1982 (under a new system).



159. Under the new system, where a fatal injury occurs on or after January 1, 1983, the minimum lump sum payable to a surviving spouse is \$17 821.44 and the maximum lump sum is \$85 312.50 according to the deceased worker's annual compensable income. As for the minimum monthly allowance, it has been raised to \$459.20 and the maximum allowance to \$2 132.81.
160. Ontario has adopted two bills which have amended its Workers' Compensation Act effective July 1, 1982 and July 1, 1983.
161. These amendments have increased the maximum funeral expenses and the lump sum payable to a surviving spouse or to a person who takes care of orphan children, from \$1 200 to \$1 300 and then to \$1 400.
162. Changes have also been made to upgrade dependants' monthly allowances to new levels as follows:

<u>Dependent Widow or Widower</u>	<u>Child under 16 with Parent</u>	<u>Orphan Child under 16</u>	<u>Effective Date</u>
\$537	\$149	\$167	01/07/82
\$564	\$157	\$176	01/07/83

163. In New Brunswick, Nova Scotia, Quebec, Saskatchewan and the Yukon Territory, benefits provided especially for dependants are upgraded in relation to the increase in average wages or the Consumer Price Index; in most cases, this is effective January 1 of each year. The same applies to British Columbia where there is a raise on July 1 and on January 1.

#### Disability Benefits

164. The minimum compensation for total disability has been increased in certain jurisdictions as follows:

<u>Jurisdiction</u>	<u>Permanent Total Disability</u>	<u>Temporary Total Disability</u>
British Columbia	\$770.98 per month (formerly \$756.33)	\$177.90 per week* (formerly \$174.52)
Newfoundland	\$594.05 per month (formerly \$530.40)	\$137.09 per week* (formerly \$122.40)
Nova Scotia	\$479 per month (formerly \$476)	\$112.50 per week* (formerly \$99)
Ontario	\$786 per month (formerly \$748)	\$179 per week* (formerly \$170)
Yukon Territory	\$498.33 per month* (formerly \$450.67)	\$115 per week* (formerly \$104)

\*or earnings, if less.

165. On May 18, 1982, New Brunswick passed An Act to amend the Workers' Compensation Act.
166. The changes to the Act included removing the possible deduction from the amount of compensation (based on loss of earnings) of the supplementary benefits provided by certain employers in the event of work injury. In addition, the minimum compensation payable to a worker who is totally unable to work, presently fixed at half the New Brunswick Industrial Composite Earnings, is now payable only where a period of two years has elapsed from the date of injury or recurrence of the injury. The right of a worker or dependent spouse, entitled to benefits before January 1, 1982, to elect to change to the new system of compensation that took effect on that date, has been removed.
167. In Saskatchewan, An Act to amend the Workers' Compensation Act, 1979 was given royal assent on December 17, 1982 and came into force on January 1, 1983.
168. The amendments have the effect of linking the minimum compensation paid to workers (whose injury occurred after 1979 and has lasted at least 24 consecutive months) and the minimum pension applying to surviving dependent spouses, to an average weekly wage of the industrial composite as determined by the board from information published by Statistics Canada. A worker who is injured on or after January 1, 1980 and who is totally unable to work because of the injury, receives not less than 50 per cent of the average weekly wage as of June of the year previous to the compensation review unless his earnings were less than that amount, in which case he receives those earnings.
169. On October 15, 1982, Nova Scotia brought into force An Act to amend Chapter 343 of the Revised Statutes, 1967, the Workers' Compensation Act.
170. Among various changes, the amendments authorize the Governor in Council to deem students to be workers for some or all of the purposes of the Act and to determine the level of earnings upon which assessments are based. Such assessments are paid by the Province. They also provide for the indexing of temporary total disability payments that extend beyond 52 weeks. Formerly, indexing was restricted to permanent awards. In addition, the legislation entitles a claimant to receive, upon written request, a copy of all information contained in his file after an adverse decision by the Workers' Compensation Board. No action may be brought or founded upon any statement made to the Board or by its staff where the statement is information furnished pursuant to the provision just mentioned.
171. The Yukon Territory has amended various provisions of the Workers' Compensation Act dealing mainly with claiming procedure and compensation.

172. The powers and jurisdictions that the Act previously assigned to the Commissioner have been delegated to the Workers' Compensation Board. The procedure for claiming compensation must be dealt with and determined in the first instance by one or more claims officers. There is a possibility of review before a review committee, appointed by the Board, which may confirm, vary, or reverse any decision made with respect to the claim. A decision of the review committee may be appealed to the Board.
173. Certain provisions affecting compensation for accidents occurring after 1982 have been amended. Among other things, a system of compensation based on an estimated loss of earnings has been introduced. A worker with permanent or temporary disability is entitled to receive each week an amount equal to 75 per cent of his weekly loss of earnings resulting from the impairment of his earning capacity, calculated as the difference between the worker's average weekly earnings at the commencement of his loss of earnings and the wage the worker is estimated by the Board to be capable of earning at a suitable occupation after sustaining that injury. This weekly amount must not exceed the weekly equivalent of the maximum wage rate. In the case of permanent disability, a lump sum is awarded.
174. When the compensation payable is for a period exceeding 24 consecutive months, the Board sets aside an amount equal to 10 per cent of the compensation paid to provide an annuity for the worker at age 65. If this causes undue hardship to the worker, the Board may supplement the income of that worker upon his attaining the age of 65 years.
175. Any compensation payable by the Board must be reduced by the amount that worker is entitled to receive from the Canada Pension Plan in respect of the injury. The Act came into force January 1, 1983.

#### Third Party Actions

176. In Newfoundland, An Act to amend the Workers' Compensation Act was assented to July 2, 1982.
177. The amendment permits a worker or his dependants to both claim compensation under the Act and bring an action against a third party not covered by the legislation. Formerly, they could only do one or the other. In the case where compensation is claimed and no action against a third party is brought by the worker or dependant within a reasonable time prior to the expiry of the limitation period, the Workers' Compensation Board becomes subrogated to their rights and may bring an action. The amendment also provides that where compensation is paid and the worker or dependants recover an amount as a result of taking an action in a court of law, they are required to repay to the Board the amount received as compensation unless it approves a lesser amount. In

an action by the Board, where an amount greater than the amount of compensation is recovered, the Board is required to pay the difference (less costs and administration charges) to the worker or dependants. These changes were made retroactive to January 1, 1982.

## ADOPTION OF LEGISLATION

Bills must be read three separate times and be adopted by a Legislature in order to become law. Further, in the case of Parliament, three readings and adoption of a Bill must be completed in the House of Commons and then the Senate in order to become law.

After second reading, most bills are referred to a committee to undergo detailed study and possible amendment. Committees can be of three main kinds: standing committees, special or sessional committees and committees of the whole house.

After third reading and adoption, a Bill must receive Royal Assent. The law is then effective or functional in whole or in part according to the "date in force" ascribed to it. However, it is often specified that the law, or part of it, will come into force at a later date fixed by a proclamation of the Government.

In most acts, the Governor in Council, or in the provinces the Lieutenant Governor in Council, the Minister responsible or an administrative body are given regulatory powers to deal with their administration. Regulations issued under an act do not require the approval of a Legislature.

Once a law becomes effective, the regulations made under its authority become part of the legislation.

A list of the acts and regulations adopted during the current period and mentioned in the report is attached.



Acts and Regulations Mentioned in This Report

Jurisdiction	Number Bill/Reg.	Title	Disposition
Federal	C-78	Labour Adjustment Benefits Act (sections 31 to 34)	Effective 01/10/82
	C-120	An Act to amend the Supplementary Retirement Benefits Act	Royal Assent 22/06/82
	C-124	Public Sector Compensation Restraint Act	Royal Assent 04/08/82
	C-133	An Act to amend the Supplementary Retirement Benefits Act (No. 2)	Royal Assent 31/01/83
	C-137	West Coast Ports Operations Act, 1982	Royal Assent 03/11/82
	C-201	An Act to amend the Holidays Act	Royal Assent 27/10/82
	S-30	An Act to amend Certain Acts in relation to Canada Day	Passed by the Senate 22/12/82
	C-38	Garnishment, Attachment and Pension Diversion Act	Royal Assent 22/06/83
	C-156	An Act to amend the Unemployment Insurance Act, 1971, (No. 3)	Royal Assent 03/06/83
		An Act to amend the Corporations and Labour Unions Return Act (CALURA)	Proclaimed 04/07/83
	SOR/82-747	Canada Labour Standards Regulations - Amendment	Gazetted 11/08/82
	SOR/82-772	Amendment to the Canada Accident Investigation and Reporting Regulations under the Canada Labour Code	Gazetted 25/08/82
	SOR/82-792	Labour Adjustment Benefits Designation Order	Gazetted 08/09/82
	SOR/82-1051	Amendment to the Coal Mines (CBDC) Safety Regulations under the Canada Labour Code	Gazetted 08/12/82
	SOR/83-160	Labour Adjustment Benefits Designation Order - Amendment	Gazetted 23/02/83

Jurisdiction	Number Bill/Reg.	Title	Disposition
Federal (continued)	SOR/83-212	Garnishment and Attachment Regulations under the Garnishment, Attachment and Pension Diversion Act	Gazetted 23/03/83
	SOR/83-302	Amendment to the Canada Motor Vehicle Operators Hours of Service Regulations under the Canada Labour Code	Gazetted 27/04/83
	SOR/83-343	Labour Adjustment Benefits Designation Order - Amendment	Gazetted 27/04/83
	SOR/83-450	Operating Employees' Safety and Health Regulations under the National Transportation Act and the Railway Act	Gazetted 08/06/83
Alberta	44	Labour Statutes Amendment Act, 1983	Royal Assent 06/06/83
	51	Occupational Health and Safety Amendment Act, 1983	Royal Assent 06/06/83
British Columbia	28	Compensation Stabilization Act	Royal Assent 25/06/82
	50	Labour Code Amendment Act, 1982	Proclaimed 04/08/82
	323/82	Compensation Stabilization Act Regulations	Gazetted 24/08/82
	523/82	Amendment to the Industrial Health and Safety Regulations under the Workers' Compensation Act	Gazetted 14/12/82
	529/82	Decision under the Workers' Compensation Act	Gazetted 14/12/82
	76/83	Regulation under the Workers' Compensation Act	Gazetted 08/03/83
Manitoba	40	An Act to amend the Labour Relations Act	Royal Assent 30/06/82
	57	An Act to amend the Workers' Compensation Act	Royal Assent 30/06/82
	58	An Act to amend the Workplace Safety and Health Act	Royal Assent 30/06/82

Jurisdiction	Number Bill/Reg.	Title	Disposition
Manitoba (continued)	38	An Act to amend the Vacations With Pay Act	Effective 01/11/82
	41	An Act to amend the Employment Standards Act	Effective 01/11/82
	54	An Act to amend the Payment of Wages Act	2nd Reading 13/07/83
	137/82	Regulation Under the Construction Industry Wages Act	Gazetted 03/07/82
	183/82	Regulation Under the Construction Industry Wages Act	Gazetted 11/09/82
	210/82	Regulation under the Workplace Safety and Health Act respecting the forestry, logging and loghauling industry	Gazetted 30/10/82
	222/82	Regulation under the Employment Standards Act	Gazetted 13/11/82
	261/82	Regulation under the Employment Standards Act	Gazetted 01/01/83
	123/83	Regulation under the Construction Industry Wages Act respecting Minimum Wages and Standards Hours of Work for Employees in the Heavy Construction Industry	Gazetted 11/06/83
	124/83	Regulation under the Construction Industry Wages Act respecting Minimum Wages and Maximum Regular Hours of Employees in the Construction Industry Outside Greater Winnipeg and Not on Major Building Construction Projects	Gazetted 11/06/83
	140/83	Regulation under the Construction Industry Wages Act respecting Minimum Wages and Standard Hours of Work for Employees in the Construction Industry in Greater Winnipeg and on Major Building Construction Projects	Gazetted 09/07/83
New Brunswick	25	Fisheries Bargaining Act	Royal Assent 30/04/82
	27	An Act to amend the Vacation Pay Act	Royal Assent 18/05/82

Jurisdiction	Number Bill/Reg.	Title	Disposition
New Brunswick (continued)	28	An Act to amend the Workers' Compensation Act	Royal Assent 18/05/82
	50	An Act to amend the Industrial Relations Act	Royal Assent 17/06/82
	82-143	Minimum Wage Order - Minimum Wage Act	Gazetted 22/09/82
Newfoundland	50	An Act to amend the Workers' Compensation Act	Royal Assent 02/07/82
	40	An Act to amend the Attachment of Wages Act	Royal Assent 31/05/83
	56	An Act to amend the Labour Standards Act	Royal Assent 31/05/83
	59	An Act to amend the Public Service (Collective Bargaining) Act, 1973	Royal Assent 31/05/83
	302/82	Labour Standards Regulation, 1983 under the Labour Standards Act	Gazetted 17/12/82
	305/82	Workers' Compensation Order, 1983 under the Workers' Compensation Act	Gazetted 08/03/83
Nova Scotia	126	An Act to amend Chapter 343 of the Revised Statutes, 1967, the Workers' Compensation Act	Royal Assent 26/06/82
	32	An Act to amend Chapter 178 of the Revised Statutes, 1967, the Mechanics' Lien Act	Royal Assent 01/06/83
	69	An Act to amend Chapter 3 of the Statutes of 1978, the Civil Service Collective Bargaining Act	Royal Assent 01/06/83
	71	Public Sector Compensation Act	Royal Assent 01/06/83
	189/82	Minimum Wage Order under the Labour Standards Code	Gazetted 09/09/82
	17/83	Amendment to the General Regulations under the Labour Standards Code	Gazetted 24/02/83

Jurisdiction	Number Bill/Reg.	Title	Disposition
Nova Scotia (continued)	23/83	Amendments to the Construction Safety Regulations under the Construction Safety Act	Gazetted 10/03/83
	24/83	Amendments to the Industrial Safety Regulations under the Industrial Safety Act	Gazetted 10/03/83
Ontario	179	Inflation Restraint Act, 1982	Royal Assent 16/12/82
	205	An Act to amend the Workmen's Compensation Act	Royal Assent 21/12/82
	216	An Act to revise the Mechanics' Lien Act	Royal Assent 27/01/83
	62	An Act to amend the Labour Relations Act	Royal Assent 21/06/83
	66	An Act to amend the Workers' Compensation Act	Royal Assent 21/06/83
	68	An Act to amend the Employment Standards Act	1st reading 14/06/83
	495/82	Regulation to amend Regulation 286 under the Employment Standards Act	Gazetted 07/08/82
	516/82 517/82 570/82	Designated substances - vinyl chloride, coke oven emissions and asbestos under the Occupational Health and Safety Act	Gazetted 14/08/82 and 04/09/82
	125/83	Regulation on Fire Fighters - Protective Equipment under the Occupational Health and Safety Act	Gazetted 26/03/83
	286/83	Regulation to amend Regulation 881 of the Revised Regulations of Ontario, 1980, made under the Public Service Act	Gazetted 25/05/83
	46	An Act to amend the Mechanics' Lien Act	1st reading 07/06/83
Prince Edward Island	EC442/82	Minimum Wage Order 1/82	Gazetted 03/07/82
	EC175/83	Construction Safety Act Regulations	Gazetted 12/03/83



Jurisdiction	Number Bill/Reg.	Title	Disposition
Quebec	68	An Act to amend various legislation respecting pension plans	Royal Assent 23/06/82
	70	An Act respecting remuneration in the public sector	Royal Assent 23/06/82
	72	An Act to amend the Labour Code, the Code of Civil procedure and other legislation	Royal Assent 23/06/82
	84	An Act to ensure the resumption of public transit service in the territory of the Communauté urbaine de Québec	Royal Assent 06/11/82
	93	An Act Respecting the Abolition of Compulsory Retirement in the Public and Parapublic Sectors Pension Plans and amending various legislation respecting such plans	Royal Assent 16/12/82
	105	An Act respecting the conditions of employment in the public sector	Royal Assent 11/12/82
		Proclamations of certain sections of the Act respecting occupational health and safety	Gazetted 23/06/82 and 22/12/82
	111	An Act to ensure the resumption of services in the schools and colleges in the public sector	Royal Assent 17/02/83
	16	An Act to insure the resumption of public transit service in the territory of the Communauté urbaine de Montréal	Royal Assent 12/05/83
	27	An Act to amend the Act respecting labour relations in the construction industry	Royal Assent 20/06/83
	O.C. 1282-82	Regulation respecting prevention programmes under the Act respecting occupational health and safety	Gazetted 23/06/82
	O.C. 1289-82	Extension of and amendments to the Decree respecting the construction industry	Gazetted 09/06/82
	O.C. 1946-82	Regulation respecting placement in the construction industry	Gazetted 15/09/82

Jurisdiction	Number Bill/Reg.	Title	Disposition
Quebec (continued)	O.C. 749-83	Regulation amending the Safety code for the construction industry under the Act respecting occupational health and safety	Gazetted 04/05/83
Saskatchewan	38	Cancer Foundation (Maintenance of Operations) Act	Royal Assent 20/08/82
	51	Workers' Compensation Amendment Act, 1982	Royal Assent 17/12/82
	104	An Act to amend the Trade Union Act	Royal Assent 17/06/83
Northwest Territories		Labour Standards Ordinance Amendment	Effective 01/08/82
		Ordinance to amend the Safety Ordinance	Royal Assent 25/11/82
		Mining Safety Ordinance	Royal Assent 25/11/82
		Public Sector Compensation Restraint Ordinance	Royal Assent 25/11/82
		An Ordinance to amend the Public Service Ordinance	Royal Assent 10/03/83
	R-124-82	Regulation under the Safety Ordinance	Gazetted 08/10/82
	R-034-83	A Regulation to amend the Public Service Regulations (R.R.N.W.T. 1980, Reg. 226) under the Public Service Ordinance	Gazetted 24/06/83
Yukon Territory	17	Public Sector Compensation Restraint (Yukon) Act	Royal Assent 09/12/82
		An Act to amend the Workers' Compensation Act	Royal Assent 09/12/82
		Order under the Workers' Compensation Act	Gazetted 15/01/83

















JUL 2 1987



